

How Punitive are the British Public?: An Evaluation of Kingston University Student's Opinion.

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Abstract

This dissertation researches the 'punitive' nature of Kingston University student's opinions towards the sentencing of offenders. Using Hough and Roberts' (1999) study; 'Sentencing Trends in Britain: Public Knowledge and Public Opinion' as inspiration, the knowledge of two cohorts of students on the Criminal Justice System (CJS) and its practices, is tested to determine the origins and reliability of the sources they use to form their opinions. John Pratt's notion of 'penal populism' (2007) will be explained in relation to its influence on the two groups of students. According to the findings of Hough and Roberts (1999) it is considered that the 'not informed' students would express more punitive attitudes due to their 'lack of knowledge' of the CJS and the populist punitive nature of the mass media they are exposed to (Pratt; 2007). In order to contextualise penal populism, its origins will be investigated through a brief history of social, political and economic conditions which illustrates the rise and effects of neo-liberalism and the subsequent development of 'populist punitive' (Bottoms, 1995 cited in Pratt; 2007; 2) attitudes.

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Chapter 1: Introduction

The Criminal Justice System (CJS) in England and Wales and other western jurisdictions has experienced a lack of public confidence in the courts ability to sentence offenders effectively (Anderson et al, 2002, Hough, 1996 and Hough & Roberts, 1999). Public opinion research has highlighted a consensus of 'tougher sentencing' being needed to control the crime problem (Hough and Roberts, 1999; 12). Increased anxieties, about perceived rising crime rates over the past three decades, along with record high rates of imprisonment (Cavadino & Dignan, 2006; 438) has left the British public with a feeling of discontent over the apparent favouritism of the CJS towards offender, over the crime victim (Anderson et al, 2002; 27 and Garland, 2001). As a result the British Public have displayed harsh attitudes towards the sentencing of offenders, which has subsequently influenced penal policy and practices (Hough & Roberts, 1999; 11), contributing to the *punitive turn* in law and order policy making (Garland, 2001 & Pratt, 2007).

Using *fifteen* semi-structured interviews, this study investigates Kingston University Students (KUS) attitudes towards the sentencing of offenders, in order to test whether such sentiments are as *punitive* as the government perceives, when reflecting public attitudes in criminal justice policy making (Pratt, 2007). Hough and Roberts' (1999) study; '*Sentencing Trends in Britain: Public Knowledge and Public Opinion*' is used to underpin the methodology and hypothesis for this current piece of research as it too examined the *punitiveness* of public attitudes towards sentencing practices in England and Wales. Hough and Roberts (1999) identified that the punitive nature of the public's sentiments, as well as their dissatisfaction with sentencing practices, is due to a lack of knowledge about the CJS and misconceptions in relation to the true severity of sentences (p: 14-15). This dissertation will use *two* cohorts of KUS to test the 'lack of knowledge' hypothesis. However it differs to previous research, as the knowledge tested will be that influenced and gained through the course of the participant's degree. Therefore the hypothesis is that; the '*informed*' students undertaking political, criminological and law based subjects will be less *punitive* than the '*not-informed*' students whom do not come into contact with law and order issues as it's not a requirement for their course of study.

In order to understand how politicians have embraced this punitive nature, pushing law and order policies high up the political and electoral agenda, resulting in what Pratt (2007) terms 'Penal Populism'; a brief history of economic, political and social factors will be provided to contextualise the current punitive law and order climate. Firstly, the rise of neo-liberalism will be examined to determine the effects of leaving individuals solely responsible for their own successes in life and for the causes of crime and its prevention methods (Cavadino & Dignan, 2006; 440). Secondly, the punitive shift in Criminal Justice policy making will be explored using Norbert Elias (1939) 'Civilizing Process' (Cited by: Pratt, 2005), the 'fall of the platonic guard' (Loader, 2006) and the rise of the mass media (Garland, 2001 & Pratt, 2007). The Government finally gave way to what John Pratt defines as 'Penal Populism', which uses public moods and sentiment to inform government policy-making decisions (Pratt, 2007). One problem remains 'who is the public?' This question will be analysed through the work of Emma Bell (2007) to establish whether the government are actually informed by 'public opinion' or it is a case of being informed by the tabloid press.

As previous research has drawn a general agreement that the punitive nature of the public in regards to sentencing practices is the result of a lack of knowledge and misconceptions developed because of the mass media (Hough & Roberts, 1999, Anderson et al, 2002 and Pratt, 2007), it is important to see whether such attitudes have changed. Many studies, such as Hough and Roberts (1999), have recommend that the Government should do more to inform the public and correct their delusional attitudes (p: 23). This study seeks to inquire if the government has taken measures to educate the public regarding Criminal Justice and whether those who study political, criminological and law based subjects are less *punitive*, as in theory they should have more knowledge about current CJS issues, debates and practices. In light of the Coalitions Green Paper 'Breaking the Cycle' (MoJ, 2010) in which Ken Clarke calls for a more transparent CJS, it seems evident that such efforts to address the public's misconceptions are yet to be made.

This dissertation aims to:

- Investigate the origins of Kingston University Student's knowledge about the Criminal Justice System in England and Wales.
- Deliberate whether such sources of knowledge are reliable.
- Test how punitive Kingston University Student's attitudes towards sentencing are.
- Evaluate if punitiveness is related to the roots of knowledge by comparing two cohorts of students with differing degree backgrounds.

Chapter 2: Literature Review

Key Words: *Bipartisan consensus, Neo-liberalism, Punitiveness, Punitive Turn, Penal Populism, Public opinion and Mass media.*

The origins of the publics' punitive stance towards offenders

The British publics' *punitive* attitudes towards the punishment and sentencing of offenders (Hough & Roberts, 1999) have developed from a number of economic, political and social conditions brought about by Conservative and Labour Governments. In order to determine the advancement of *punitive sentiments* the literature surrounding the publics' punitive stance will be analysed thematically.

Social democracy and the post-war boom

Post-war Britain experienced an inclusive social democracy in which citizens' experienced social equality and security provided by the welfare state (Cavadino & Dignan, 2006: 442-443). Due to the inextricable link between social and penal policy, penal welfarism subsequently prevailed (*ibid*), and accordingly rehabilitation was the hegemonic organising principle of penal policy (Garland, 2001; 182).

As crime was considered a product of social exclusion, politicians and penal reformers believed that the 'welfare state' along with social provisions, would lead to a reduction in crime as well as the need for punishment (Downes & Hansen, 2006; 2). Therefore Government social welfare policies were directed towards social integration (Garland, 2001; 182), which dictated penal policy to be less punitive and imprisonment rates to stand markedly low (Beckett and Western, 2001).

A bipartisan consensus between political parties concluded that penal policy making and crime control strategies were issues best left to the elite professionals and practitioners' as it was considered a technical matter (Garland, 2001; 37). Senior civil servants and expert advisers delivered policies focused on rehabilitative interventions and social integration rather than negative retributive punishments as prison was seen as counter-productive (Garland, 2001; 35). Indeterminate sentencing laws, with the possibility of early release on parole supervision as a result of good behaviour set the tone for penal policies in the 1960s (*ibid*). No penal sanctions were made without expert advice as politicians' held them in a position of trust and credibility due to their knowledge and opinions being derived from academic research rather than from public debate and media headlines (Garland, 2001; 36). During this period the state had total authority over British citizens as top-down decision-making protocols excluded the public from the process of policy making so the role of professional experts and government knowledge could be maximised (Garland, 2001; 34). As a result the penal welfare paradigm demanded less criminalization, minimising the use of custody and treating offenders in the community (Garland, 2001; 96).

The subsequent development of egalitarians in the late 60s to early 1970s enabled the vast majority of the population to afford high priced goods that was not possible before the war, giving rise to a new consumerism and youth culture (Cohen, 2002) as well as what Garland describes as a 'crime prone society' (2001; 91). Criminal opportunity increased coupled with a reduction in situational controls resulting in increased property crime as houses were left unoccupied during the day (Cohen, 2002). In addition media coverage of out of control, wayward youths rioting on www.internetjournalofcriminology.com

beaches caused what Stan Cohen describes as ‘Moral Panics’ (2002). Such events left the British public anxious about rising crime rates (Cohen, 2002) and with the thought that the Government and CJS proceeded to favour the rehabilitation of criminals over the protection of the law-abiding citizen (Garland, 2001).

Simultaneously away from public consciousness, the rehabilitative model of crime control came under attack in what Ian Loader describes as ‘the “nothing works” assault on rehabilitation’, which up until the 1970s was the preferred method of dealing with offenders (2006; 562). The argument stemmed from an American critique of correctionalism that concluded individual treatment models, were theoretically faulty, systematically discriminatory in their administration and inconsistent with basic models of justice (Garland, 2001 55). Political parties in Britain opposing Labour’s welfare paradigm argued that policies such as indeterminate sentencing rewarded ‘rehabilitated’ offenders and formulated for the potential of discriminatory and arbitrary exercise of power by professionals. Therefore harsh punishments were needed in order to deter criminals (Beckett & Western, 2001; 46) and academics began to ignore the importance of welfare and see it primarily as a form of social control (Downes & Hansen, 2006; 135).

The rise of neo-liberalism

The economic downturn of the 1970s coupled with increased anxieties about rising crime rather and the states inability to protect its citizens, left the British Public vulnerable to Margret Thatcher’s Conservative party and its neo-liberal political ideologies (Cavadino and Dignan, 2006; 440-443). The new political realignment promoted individualism in a free market economy, requiring individual responsabilisation for social and economic status as well as causing and preventing crime (Cavadino and Dignan, 2006; 440-446). As a result, large social and economic inequalities developed because of the unequal distribution of wealth and opportunities (ibid). Welfare provisions then became means tested, and those entitled to benefits became heavily stigmatized often leading to alienation of individuals or whole societies (ibid).

Thatcher’s Conservative party promised the ‘people of Britain’ (Ryan, 2005; 142) law and order politics that would encapsulate more punitive and authoritarian crime control measures (Reiner, 2007) in order to restore public confidence that the state still had the capacity to punish offenders (Cavadino and Dignan, 2006). The new penal policy complex set out bureaucratic, political, moral and entrepreneurial interests that encouraged punitive and exclusionary crime control policies (Newburn, 2002; 180). Such exclusionary policies at first seemed to show early signs of a ‘populist’ Prime minister, as Thatcher preached to ‘ordinary people’ (Pratt, 2005 and Ryan, 2005) and implemented the largest prison building program in the early 1980s since the Victorian times (Ryan, 2005; 142). However public service reforms at the end of the 1980s led to the privatization of prisons in a bid to cut costs and provide competition for the private sector, which the government had become increasingly reliant upon due to the economic ideologies of neo-liberalism (Garland, 2001; 116-115).

Further cost cutting was endorsed by the Criminal Justice Act 1991 that also strived to reduce Britain’s prison population. The de-incarceration policy outlined that prison should be used as a last resort for the most ‘serious offenders’ and in addition it had to be accompanied by valid reasoning by the sentencing judge (Ryan, 2005; 141-142).

From this perspective Thatcher was not a 'populist' politician as policy making was still driven by a top-down approach (Matthews, 2005; 176).

Penal Populism

Penal populism, a term coined by John Pratt explains a shift in the process of Government policy making, from originally being devised by experts following thorough research, to a less informed approach by which politicians' use public moods and sentiments to inform policies guaranteeing electoral success at the cost of proven effectiveness (Pratt, 2007; 8). Penal populism has its origins in Sir Andrew Bottoms' (1995) terminology; 'Populist punitiveness', which describes the approach of 'politicians tapping into, and using for their own purpose, what they believe to be the public's generally punitive stance' (Cited in Garside, 2007; 32). Bottoms considers how characteristics of a neo-liberalist society including the 'rise of individualism' has contributed to three thematic changes in the CJS that inform sentencing decisions, reforms and their delivery. (Cited in Garside, 2007; 32). Bottoms argues that due to 'populist punitiveness' the factors considered above are often attached to short-term political considerations (ibid). This can be explained by the highly politicized and publicly sensitive nature of penal policy making, which was most infamously utilized by Tony Blair's 'damaging populist'; New Labour party that triumphed in the 1997 general elections (Garside, 2007; 21).

A sharp turning point for *penal populism* was the murder of toddler James Bulger from Bootle in 1999 by two ten-year-old boys. The case sparked public outcry (Loader, 2006) and created the moral panic that children have the capacity to kill. In response the Conservative party, still under Thatcher's flagship abandoned the principles outlined by the 1991 Criminal Justice Act, that prison was a 'last resort' and only for the most 'serious offenders' (Pratt, 2007). The move was a result of a media backlash, that the criminal justice system favoured criminals and prisoners at the expense of victims and law abiding citizens (Pratt, 2007; 12), which led to the rise to the 'victim agenda' in the mass media (Pratt, 2007 & Garland, 2001). The conservative government therefore reverted to the 'prison works' mantra to suffice populist sentiments (Loader, 2006; 578).

Subsequently the 'sanctification of victims' by the mass media was bestowed to convey a message to the public and politicians that needs to be heard or a memory that must be honoured (Garland, 2001; 143). A prime example is the implementation of 'Sarah's Law', to inform the British public of the whereabouts of convicted paedophiles, due to the murder of Sarah Payne, by Roy Whiting whom was a convicted paedophile on the sex offenders register at the time of the offence. The utilization of the law highlights the erosion of the authority and influence of the criminal justice expert in the development of penal policies and its replacement of public sentiments and the mass media (Pratt, 2007; 19).

Traditionally, liberal elites were committed to 'producing and deploying expert knowledge' in order to ensure that Criminal Justice policies were balanced in their ability to deal with current crime problems, whilst still preserving 'civilised values' (Loader, 2006; 563). Nevertheless the rise of penal populism and the 'law and order agenda' initiated under Thatcher's Conservative government contributed to the replacement of the formerly powerful liberal elites with businessmen and public sentiment (Loader, 2006). The criminal justice system became dominated by

deterrence and retribution; previously, stimuli for private vengeance was controlled by the 'platonic guards' as they balanced such needs with effective crime control measures which protected the public and fell within a category of 'civilized' (ibid). Public distrust in the Government's ability to protect society from the crime problem was continuously being reported in the media and becoming more prevalent (Pratt, 2007). A bottom up approach to penal policy making took shape as the government sought public opinions to inform policy decisions resulting in a more punitive approach, as penal populism was embraced (Garland, 2001 & Pratt, 2007). The 'new punitiveness' (Garland, 2001) became characterised by public vengeance and retributive justice in excess of the severity of crimes (Matthews, 2005; 178-180).

New Labour

The 'tough on crime, tough on causes of crime' *penal populist* mantra (Newburn, 2002 and Pratt, 2007) of Tony Blair, led to two successful elections of New Labour as the party moved away from its social democratic principles and instead adopted neo-liberalism coupled with the embracement of penal populism (Garside, 2007; 31). The *penal populist* direction of the Labour party mirrored the 1992 winning electoral campaign of Bill Clinton and the New Democrats in the USA (Newburn, 2002; 173). In order to secure electoral advantage, Tony Blair adopted the three central principles of Clinton's campaign by 'rebranding' the party as *New Labour*, shifting its political focus to 'middle England' and by the use of 'rapid rebuttal' against the Conservatives (ibid).

New Labour seized their 'tough on crime' stance, implementing *fifty* new bills relating to crime and disorder, policing, criminal justice and punishment as well as decreasing the age of criminal responsibility to *ten* years old (Soloman et al., 2007). A further *3,023* new criminal offenses were created in a bid to reduce the 'justice gap' occurring from undetected or un-convicted offenders, which was proceeded by record high 'public order and safety' spending (ibid) and a historically high prison rate (Cavadino & Dignan, 2006; 438).

When populist politicians embrace 'public opinion' there is a question of who actually is the public. Emma Bell (2007) highlighted the fact that politicians gather public opinions through 'public attitude polls', that have been proven to record biased *punitive* opinions due to general questions being asked, which provoke assumptions based on the worst kind of offenders (Hough and Roberts, 1999; 13). Hence the governments' perception, that the public wants 'tougher sentences' might not be based on reality.

The Coalition and Penal Populism

Penal populism is still prevalent today as David Cameron surrendered to the need to seek popularity (Bottoms, 1995 Cited by Garside, 2007:33) over effective and tested policies (Loader, 2006) after being criticised in the Guardian for being 'soft on crime' (Jenkins, 2011) following the publication of the government green paper; '*Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*' (MoJ, 2010). The money-saving and prison population reducing ideas of Ken Clarke were replaced by Cameron, with the revised proposal of 'two strikes mandatory life sentence' for a 'second serious violent or sexual offence', 'automatic imprisonment for knife crime', the 'widening definition of 'dangerous offenders'' and the reiteration that 'public protection' is still a 'key priority' (MoJ, 2010). The populist response

reassert Cameron's position as putting the public first and protecting them via more punitive prison sentences and 'net widening' dangerous offenders (MoJ, 2010).

The Punitive Turn and The Civilization Process

The *punitive turn* in Criminal Justice policy of the past half a century has been a result of a number of factors that have been thematically organised in this chapter. John Pratt adopts an alternative view to illustrate the *punitive turn* using Norbert Elias' (1939) process of 'decivilization' (Pratt, 2005 and Garland, 1990).

Pratt (2005) argues that the new culture of punishment prioritises public opinion over scientific expert knowledge, deliberately provoking human sensibilities. As a result, emotive and expressive penal sanctions have been implemented in addition to a tolerance of high imprisonment rates regardless of the economic cost (Pratt, 2005; 256-57), which Garland (2001) constitutes as a reversal of 'rationalisation' and 'civilisation' tendencies (p; 3). The 'Civilization' as described by Elias, represented the 'current and contingent configuration of three characteristics associated with long-term historical development in Western Societies, from the nineteenth century onwards'; State process, Socio-genesis and Psychogenesis (ibid). The actual 'civilizing process' that Elias describes in his 1939 book, ended in the mid-nineteenth century with the prominence of middle-class sensibilities more advanced (Pratt, 2005; 258). However, state monopolistic capacity began to be exercised through modern bureaucracies of rising taxes and legal force, calling for specialisation of the division of labour, which is essential in a 'civilized' society (ibid). Consequently the public became detached from governance and the feeling of non-involvement turned into moral indifferences (ibid). These characteristics were seen in Britain as a result of the political realignment to neo-liberalism in the Thatcher era.

Until the 1970s, crime and punishment was not an area of political concern for British citizens, leaving them impartial and accepting as, public opinion had no direct influence on penal policy as it does today (ibid). Although British society was deemed 'civilised' at face value, Pratt notes that 'uncivilised' behaviours and processes were occurring out of public view in the confines of penal institutions (2005; 263). The socio-genesis characteristic of Elias' 'civilizing process' was witnessed in post 1970 Britain with the acceleration of globalization, bringing with it technical developments, the rise of mass communication, strengthened interdependencies and mass migration, which translated to a more heterogeneous society (ibid). This led to the 'internalisation of restraint' (Pratt, 2005; 257) as it became inappropriate and socially unacceptable in parts to display emotions, such as negative personal feelings towards immigrants. In addition, the rise of neo-liberalism brought about a process of decivilization and with it the 'new punitiveness'; as it changed the traditional political, economic and social structures of society (Pratt, 2005; 264). Expansion of the mass media in the 70s and 80s (Pratt, 2005, 2007 & Garland, 2001) portrayed the rising crime rates as a serious problem that was out of control (Pratt, 2005; 265). This increased public fears and anxieties and the belief that the state was unable to protect them from harm and that it was their responsibility to protect themselves from crime (Cavadino & Dignan, 2006). The capability of judicial authorities then began to be queried, as the public believed that the elites were out of touch with reality, therefore they were unable to protect the public from dangerous offenders (Cavadino & Dignan, 2006 & Loader, 2006). Pratt's notion of 'Penal Populism' then arose and called for 'truth in sentencing' (Pratt, 2007), which would obligate the judiciary to give reason

for the sentences they deliver, including being truthful about circumstances of the offender that have impacted the sentence they have issued (Hough, 1996). Penal populism also reflects Elias' notion of 'psychogenesis' (Cited in Pratt, 2005) as the public can now speak out about their outrage towards the penal system and no longer have to keep their attitudes suppressed. The final step in the punitive shift was indeed the replacement of scientific rationalities and expertise by common sense knowledge (Pratt, 2005; 266) in which Loader characterises as 'The fall of the Platonic Guard' (2006).

Overall Pratt (2000) argues that the reversal of the 'civilizing process' has occurred alongside 'civilising tendencies' (i.e., globalisation and technological developments), and has led to the reversal of civilised values and understandings of the CJS as well as *punitive* consensus amongst the citizens with a feelings of distrust towards the general judiciary as they are believed to be 'out of touch' with reality (Hough, 1996: 195).

Previous research and lack of knowledge of the CJS

Public distrust in the judiciary is a common theme arising in academic research investigating public attitudes towards the CJS (Hough, 1996 & Roberts, 2003). In addition, it has also been cited as a reason for the explanation of the punitive nature of the British public, along with; lack of knowledge about current sentencing practices (Hough, 1996, Hough and Roberts 1999, Roberts, 2003 and Hutton, 2005) and the questionable methodology used to obtain public attitudes (Hough & Roberts, 1999 and Hutton 2005).

For the purpose of this research, *four* academic studies investigating *punitive* public attitudes have been adopted to inform the methodological rational best, to; investigate KUS attitudes towards the CJS, assess the scope of the punitive phenomenon and to conclude reasons for this perceived *punitive* outlook.

John Pratt cites the work of Canovan (1999) whom suggests that public opinions are gained through 'tabloid style communication' and 'debates are emotional rather than rational' (2007; 3-5). The lack of rationality that results from this form of communication is due to a deficiency in public knowledge about the Criminal Justice systems policies and practices, highlighted by Hough and Roberts (1999) in their study into '*Sentencing Trends in Britain: Public Knowledge and Public Opinion*'. The study states that from public opinion polls, there has been a consistency in the consensus that 'sentences were too lenient' and there should be 'tougher sentences for criminals, especially persistent offenders' (Hough and Roberts, 1999: 12). This finding isn't uncommon and has been replicated by numerous academics (See; Roberts, 2003 and Hutton, 2005). However the reliability of opinion polls has come under scrutiny as they provoke a biased punitive response because; respondents have the 'worst kind of offenders in mind when answering general questions', recall 'atypical sentences', which are usually 'portrayed as lenient in the media' and they 'fail to consider punishments other than prison' (Hough and Roberts; 1999; 13). Subsequently, studies have since used other methods including; focus groups, surveys and case studies that have led to a much more varied and contradictory set of opinions (Hutton, 2006; 243).

Michael Hough's (1996) study '*People Talking About Punishments*' used focus groups to investigate attitudes towards sentencing practices. The study found that

respondents 'systematically underestimated the severity of current sentencing practices' as well as 'the proportion of offenders who receive imprisonment' (Hough, 1996). This indicated that the public was somewhat oblivious to Criminal Justice practices and that their punitive views must be in part due to the intrusiveness of crime in people's lives (Hough, 1996; 209), which has resulted from the politicization of crime as well as the prominence of it being reported daily in the media (Pratt, 2007). Hough (1996) argues that the only methods to improve public confidence in the judiciary, which would in turn decrease their 'punitive attitudes' would be to; make sentences tougher or to inform the public about current sentencing practices (p; 209). The first option, being the populist response, would not restore public confidence, as ultimately the underlying ignorance must be addressed in order to validate current sentencing policies (ibid). Punitiveness due to lack of knowledge was also found by Hough and Roberts (1999), however, it was due to insufficient knowledge regarding alternatives to imprisonment (p; 15). Again, participants also underestimated the proportion of rapists, muggers and burglars who the courts sent to prison (Hough & Roberts, 1999; 17) implying that they are making judgements on the CJS constructed on ignorance or based on biased media representations of crime. In order to identify if lack of knowledge affected the punitiveness of the public, Hough and Roberts (1999) supplemented their research by measuring public punitiveness using description of specific offences (p; 19). They predicted that if respondents were given a specific case with more information about alternative sentences, there would be less support for (ibid). Two thirds of the group that were not given the extra information about the case supported the use of imprisonment, and less than half of the other group with the information advocated imprisonment, thus proving the hypothesis correct.

More thorough research using multiple methodologies that was undertaken in Scotland by Anderson et al. (2002) came to similar conclusions as Hough and Roberts (1999) (see also Hough, 1996), but they discovered people were aware of their lack of knowledge about the CJS and 'punitive attitudes existed alongside more rational and more reflexive mind-sets'. (p; 243-247). The study identified that participants were 'less punitive' once given more information and they also agreed that imprisonment was not always the best option as there is often need for treatment to prevent re-offending (Hutton, 2006; 248).

After analysing the literature and previous studies investigating the punitive nature of the public and the origins of such attitudes, two main arguments have arisen. Firstly, the *punitiveness* of the public is primarily due to a lack of knowledge regarding current sentencing practices, resulting in the misconception in regards to the leniency of the judiciary (Hough, 1996; Hough & Roberts, 1999; Roberts, 2003 & Hutton, 2005). Secondly, the intrusiveness of crime in people's daily lives (Hough, 1996, 209) through the 'politicization of crime and punishment', the rise of the mass media and the biased disposition of 'lenient cases' reported (Hough and Roberts, 1999), have led society to misconceptions about crime and punishment. All of which have accumulated to the support of 'harsher punishment' and 'diminished confidence in the Criminal Courts' (Hutton et al, 2005).

Chapter 3: Research Methods

Introduction

The purpose of this research is to investigate how 'punitive' KUS are in relation to the sentencing of offenders. As previously stated in the introduction (page 5), the hypothesis of Hough and Roberts (1999) will be tested via a semi-structured interview exploring the origins of the student's CJS knowledge. Additionally, the 'punitiveness' of the student's attitudes towards the sentencing of offenders will be measured in a short sentencing task similar to the exercise used by Hough and Roberts (1999; 15). However, this study differs from previous research (Hough & Roberts, 1999, & Anderson et al., 2002) as it seeks to test respondents' knowledge of the CJS, based on their degree subject rather than being given additional information on sentencing practices.

Data Collection Methods

Preliminary data collection was undertaken using a quantitative, self-completion questionnaire, which would gather structured data that could be analysed and presented numerically (Mathews & Ross, 2010; 141). One questionnaire, including the sentencing task, was distributed to an '*informed*' participant (see appendix 1). Subsequent analysis of the questionnaire and the audio recorded sentencing exercise highlighted a lack of quality detailed information, which would limit the depth of the primary research (Bryman, 2008; 235). Quantitative methodology is the optimum choice when measuring a specific variable such as 'punitiveness' (ibid). It also enables a large amount of participants to be targeted in a short space of time, meaning a reliable and representative sample of the KU population would be easily obtainable (Bryman & Cramer, 1990; 104). However, it is unable to invoke detailed opinions from participants, which is vital to this piece of research. Hough and Roberts (1999) also criticised the use of quantitative methods such as surveys and opinion polls when investigating public attitudes (p: 13). As they provoke biased punitive responses due to participants having the worst kind of offenders and most lenient cases in mind when responding (ibid). For these reasons, a qualitative approach to data collection was adopted in the form of a semi-structured interview along with the sentencing task (See appendix; 2) supplemented by an information sheet (See appendix 3). This 'interpretivist epistemological' approach to data collection allowed the gathering of 'subjective understandings, feelings, opinions and beliefs' (Mathews & Ross, 2010; 142) about the participant's sources of knowledge of the CJS and the sentencing of offenders.

Interviews

All participant interviews were audio recorded, along with additional notes, to document the order in which the media sources in question one were used most often (See appendix 4 for results). The advantage of using a semi-structured interview allowed the meetings to take the form of a more informal conversation (Bryman, 2008). In turn, this enabled questions not listed in the interview structure to be asked and the prompting of participants if it was felt they raised a point warranting further investigation (ibid). Open-ended questions were used and in the majority of cases all points were covered with similar wording for all questions (ibid). It was imperative that open-ended questions were used so participants were not encouraged to provide one-worded answers and able to give spontaneous information (Feilding & Thomas, www.internetjournalofcriminology.com

2008; 249). Qualitative semi-structured interviews were the best choice of methodology for this piece of research because a clear focus was set from the start allowing theory-driven, hypothesis directed questions to be developed (UWE FLICK, 2009; 157, & Feilding & Thomas, 2008; 250). Therefore, the interview structure could address specific points and topic areas and the researcher still had the ability to adapt the questions through the conversation to gain extensive attitudes (Bryman, 2008; 439).

The sentencing task in the second half of the interview was chosen due to Hough and Roberts' (1999) study, as it too used a sentencing task to test public punitiveness based on additional information being given to a controlled group. Hough and Roberts' (1999) justifications for using this method was due to previous studies failing to investigate public knowledge of CJ issues and subsequent opinions due to their level of knowledge (p: 13). They argue that previous quantitative methods such as surveys and opinion polls, initially used in North America, have concluded punitive responses due to biased media reporting of the most serious offenders and the lack of public knowledge of alternative punishments to imprisonment (ibid). The two case histories used in the task are real criminal occurrences reported in reliable online newspapers (See appendix: 5). The crimes committed were chosen on the basis that they represented 'middle of the road' offenses. The reason being, serious offences such as murder are highly publicised along with the mandatory life tariff it carries. As a result, participants would be in line with current sentencing practices, meaning punitive attitudes would not be tested.

However for this piece of research, two different cohorts of KUS were used to compare their knowledge of the CJS based upon their degree subject. Participants were placed into 'informed' and 'not informed' groups on the basis of whether their degree would require them to research current criminal justice policies and legislation (See appendix 6 for groups). All participants were given a sentencing information show-card unlike Hough and Roberts (1999) whom gave the extra information to a controlled group.

Interview Recording and Transcription

All of the interviews undertaken were digitally recorded on a Blackberry device, as a Dictaphone was unavailable. The advantages of recording using digital technology meant; better sound quality, larger memory space, playback and the provision to password protect the files as soon as they had been recorded, all of which are important details according to Bryman (2008; 453-454). Interviews took place in empty lecture theatres, classrooms and the University fitness centre. All but one interview was recorded on the Kingston University campus, the reason being discrepancies of the interviewee's schedule. The locations of the interview were based upon the availability of participants, as it was difficult to arrange times to meet. The interviews lasted between three and nine minutes, which could be related to the amount of knowledge or interest the participants had in the CJS.

Demographics

Participants were selected depending upon; being a KUS, either in their third year or studying a post graduate degree and upon agreement to participate in the study. The criteria enabled a stratified sample from the KUS population to be identified, from which participants were randomly chosen (Mathews & Ross, 2010; 154-155) by

approaching potential participants face to face, on the providence that they would take part in the study (Bryman, 2008; 698). A sample size of *twenty* students was set due to the anticipated length of time it would take to transcribe the interviews and the time it would take to secure and record the interviews. In total, *fifteen* participants were found consisting of *seven* ‘informed’ students and *eight* ‘not-informed’, after a lack of willingness to participate was experienced. This could have been due to the lack of incentive for participating (Bryman, 2008).

Data Analysis

The first section of the transcribed interviews (See appendix 7-7.13) relating to student knowledge and opinions will be analysed through a ‘thematic’ approach. Central themes and sub-themes will be displayed in a SPSS spreadsheet like matrix (See appendix 8), which will display each participant along with certain themes that have been identified in the transcriptions (Bryman, 2008; 554). An analysis will then be made to determine; where students get their information about the CJS in England and Wales from, how reliable the information is, whether their views are subject to ‘penal populism’ (Pratt, 2007) and which group keeps more up to date with current criminal justice practices.

Finally, the sentencing task will be scrutinised to determine which of the two groups are more ‘*punitive*’ and to see whether *punitive* attitudes that have been recorded in the past (Hough and Roberts, 1999) are still prevalent. The punitiveness of the respondents will be measured by comparing the sentences they see fitting, with the sentences actually imposed. The two groups will be analysed separately and then compared, to determine if those in the ‘informed group’ are more in line with current sentencing practices, thus being less punitive, as this would be expected due to the nature of their University degree.

Denzin (1978) describes a non-traditional integration of qualitative and quantitative methods called ‘triangulation’ that will be adopted for the analysis of the sentencing task, as it will maximise the validity of the results (cited in: Kelle & Erzberger, 2010; 174). Methodological triangulation is a concept borrowed from land surveying, which has been adapted to social science research to look at the same phenomenon via different methods, as well as looking at different aspects of it to create a wider analysis (ibid). By using this method, the findings of the sentencing task will be presented numerically and qualitatively allowing it to be analysed through a larger perspective with fuller explanations of the punitiveness of the public (ibid).

Ethics

“Ethics is the science of morality; those who engage with it determine values for the regulation of human behaviour”. (Homan, 1991; 1).

The horrific medical experimentation that occurred under Nazi rule during the Second World War sparked the development of the Nuremberg Code (1947) to ensure such atrocities could not reoccur (Israel & Hay, 2006; 23- 24). Characterised as *bioethics*, subsequent research has developed similar codes to apply to social science research as it too uses experimental methods (ibid). The British Society of Criminology (2012) has established its own code of ethics, which sets out guidelines and responsibilities of criminologists to their; discipline, colleagues, participants and sponsors. When followed, the code will prevent unethical treatment of subjects in the course of research.

Ethical considerations were made, prior to carrying out any primary research, in order to assess the risk of any harm to the participants or the researcher and in relation to the subsequent use and storage of the data collected. Due to the opinion nature of this research, there were no distinctive physical or mental harms (Bryman, 2008; 118) that could be foreseen. The main concerns, related to the recording of the initial interviews and the following data protection laws, when it came to the analysis. To rectify the burdens, informed written consent was gathered prior to the interview and all participants were given a short summary of the research intentions. (See appendix: 9 for summary and appendix 10 for written consent). Informed consent was gathered in order to brief the perspective participants about the true nature of the research (Bryman, 2008; 123). The signed consent form can also be used for protection if the participant raises any issues after the interview (ibid). Under the Data Protection Act 1998, anyone holding personal information about others must comply with the eight principles set out by the legislation (Bryman, 2008; 119). To abide by the law, all interviews were made anonymous once they were transcribed by giving each participant a number to identify them.

Prior to carrying out this research, it was presumed that the results would resemble those of previous academics such as Hough & Roberts (1999), as you would expect participants who study subjects that require research into the CJS and law and order practices to call upon their knowledge when sentencing offenders. It was also believed they would have a more reliable and up to date knowledge base informing their personal opinions, however, the findings were not as straight forward as initially predicted.

Chapter 4: Findings and Discussion

The Origins of Criminal Justice Knowledge

Media Analysis

Data from the media analysis identified the Internet, TV and books as the top *three* most used sources of knowledge, whilst Government documents, tabloids and magazine came in the bottom *three* (See Table 1).

Media	Average Used	Order of Usage
TV	2.1667	2
Internet	1.0833	1
Radio	3.5	6
Magazines	4.5833	7
Tabloids	4.8333	8
Broadsheets	4.0833	5
Academic Journals	3.9167	4
Books	3.6667	3
Government Documents	5.9167	9

Table 1: The table shows the average order of media usage for informed and not informed participants combined.

Upon separating the two groups, significant disparities were found, with the *informed* group choosing more reliable media sources as the top *three* origins of knowledge (See Table 2). The sources classified as reliable were books, academic journals, Internet (government websites only) and broadsheets, as they are either peer reviewed or academically researched.

Media	Average	Informed	Not informed
TV	2	6	2
Internet	1	2	1
Radio	6	9	3
Magazines	7	5	7
Tabloids	8	7	8
Broadsheets	5	4	6
Academic Journals	4	3	4
Books	3	1	5
Government Documents	9	8	9

Table.2. The table shows a comparison of the average order of media usage for informed and not informed participants combined and separate.

The most significant change related to the use of TV and radio as both were ranked low by *informed* participants and in the top *three* by the *not informed* students. The use of Government documents was evidently low in both groups (See Table 2), which is surprising for the *informed* students because, in theory, they are expected to read

and refer to government green and white papers in order to keep up to date with current policy issues and changes.

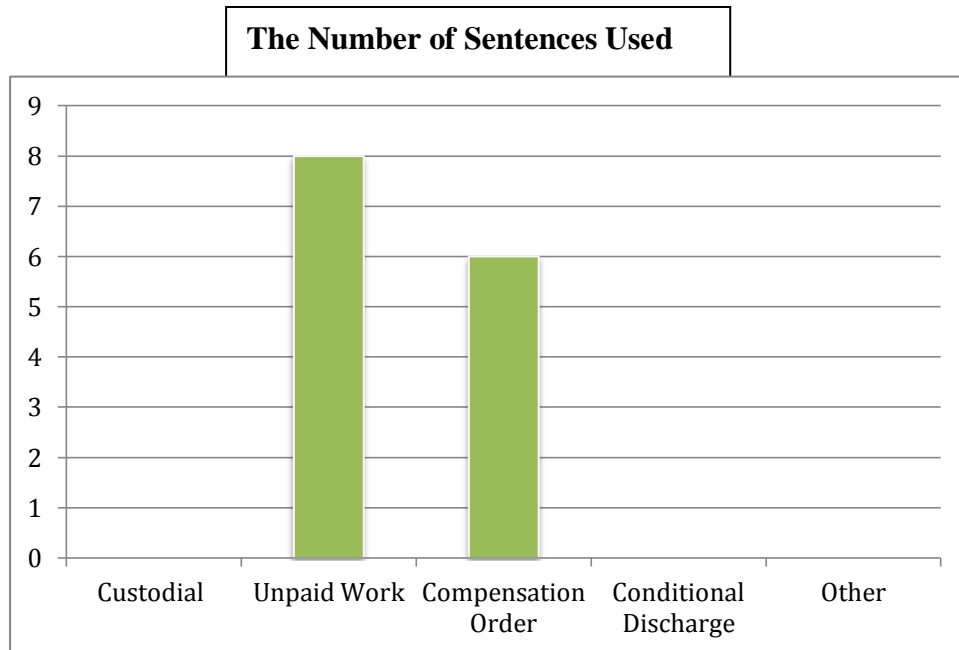
Both of these findings could be due to the availability of information and the motivation of students to search for reliable sources. Research into the usage of academic libraries in the USA suggests that university students are now finding alternative sources of information that are more easily accessed (Simmonds and Andaleeb, 2001; 630). The research also shows that female students are more likely to use academic libraries than males (ibid), which is consistent with the findings of this dissertation as the majority of the *informed* group were female students and used more trustworthy sources of knowledge.

Due to some of the *not informed* participants degrees being based upon popular culture (e.g. drama and film) it could be argued that these students use resources that are part of their daily lives and are therefore easily accessed (Simmonds and Andaleeb, 2001; 627). On the other hand, *informed* students whom have chosen political, criminological and law based degrees may have to focus their research on past studies and statute, meaning it is required of them to use reliable academic sources. Such students may also have higher academic goals and a higher level of attainment, hence, why they chose more reliable and peer reviewed academic sources. However, more in-depth research into previous academic history and why participants chose their degree is needed in order to verify this claim.

The media analysis of the origins of CJS knowledge proved consistent with the hypothesis, that the *informed* students would use more trustworthy sources of information.

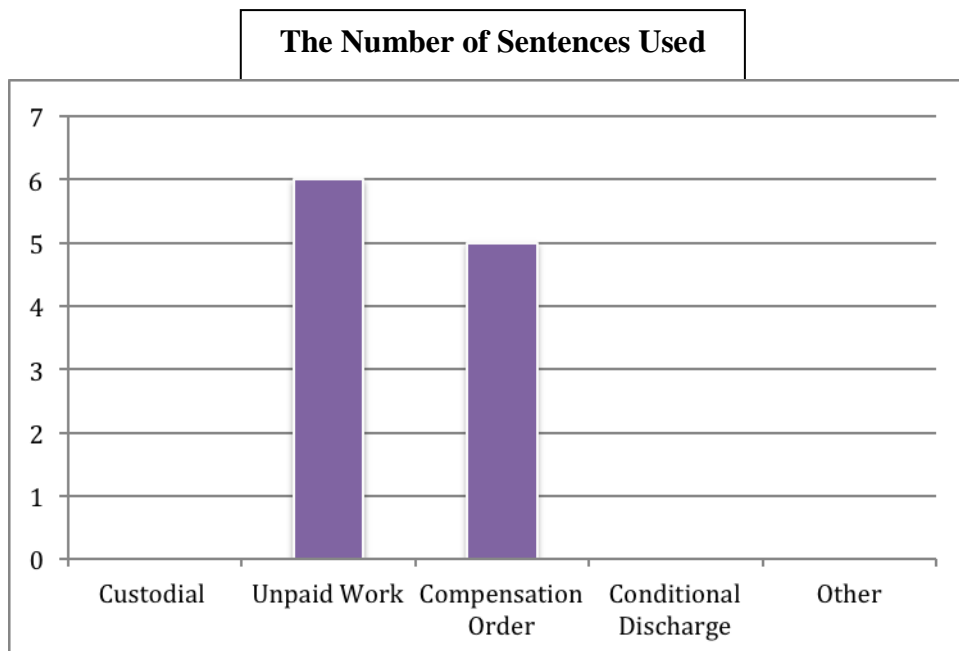
The Sentencing Task

All participants chose *not-punitive* sentences for the offender in *case one* as the custodial sentence option was not used (See Graph 1).

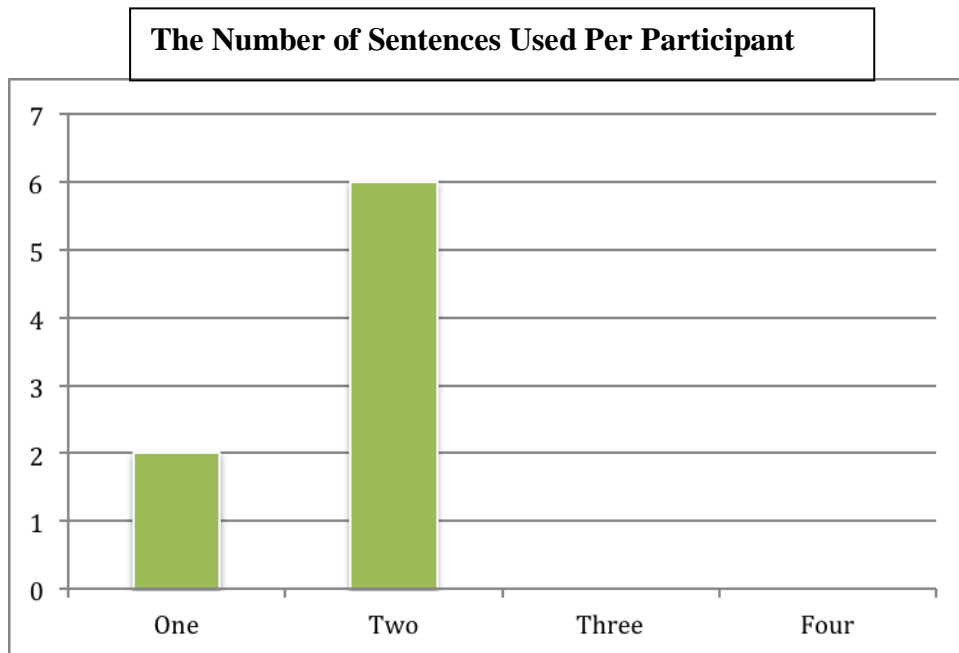


Graph.1. A graph showing the number and types of sentences used by informed participants.

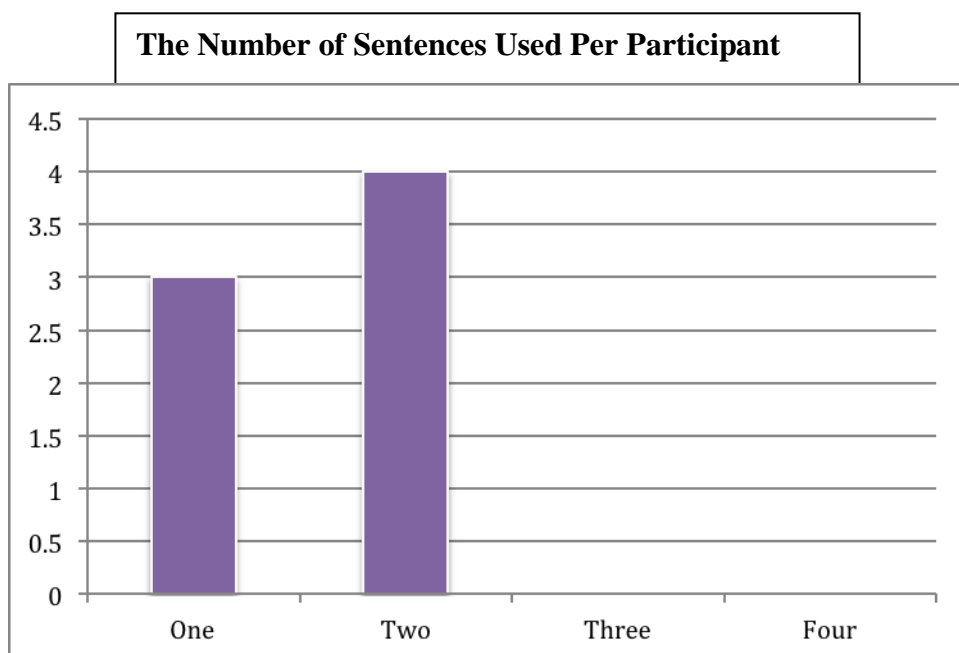
The majority of participants decided more than one condition was appropriate for the offender; the results are demonstrated in Graph 2 and Graph 3.



Graph.2. A graph showing the number and type of sentences used by *Informed* participants



Graph.3. A graph showing the number of sentences used per *not informed* participant.



Graph.4. A graph showing the number of sentences used per *informed* participant.

As 100% of the participants expressed *non-punitive* attitudes in *case one*, no significant differences were recorded between the *informed* and *not informed* participants in regards to *punitiveness*. The results were compared to the origins of CJS knowledge (See appendix 11) and no relation was found between *non-punitive* sentences being made based upon increased reliable sources of knowledge.

However, within the sentences assigned, *punitive* attitudes were expressed via the length of time unpaid work orders were issued. The average length of unpaid work delivered by participants is displayed below in Table 3.

	Not Informed Participants	Informed Participants
Average Sentence Length	7974 Hours	6245 Hours

Table.3. A table showing the average amount of hours community service issued by participants.

Participants from both groups were excessively *punitive* with sentence lengths considering the maximum amount of hours that can be sentenced by law is 300 hours (Directgov, 2012). Unpaid work sentences were also consistently stated in days, months and years. Incorrect information was persistent throughout the interviews, with one *informed* participant in particular stating an out-dated maximum amount of hours before making a decision;

(P4)...I would give him the maximum of the law, which is 240 hours...
 (Appendix; 7.3)

Another *informed* participant issued the sentence in months;

(R) How long do you reckon the community service should be for?

(P6) Erm... twelve months... might be considered a bit strict.
 But they should think about what they took.
 (Appendix; 7.5)

The general lack of knowledge, highlighted by the above incorrect statements, will be discussed in further detail later in this chapter.

As predicted in relation to previous research (Hough and Roberts, 1999), the majority of participants expressed *punitive* attitudes towards the offender in *case two*, with only *four* out of the *fifteen* participants issuing *non-punitive* sentences (See Table 4).

Participant	Punitive	Not Punitive
Not Informed	5	3
Informed	6	1

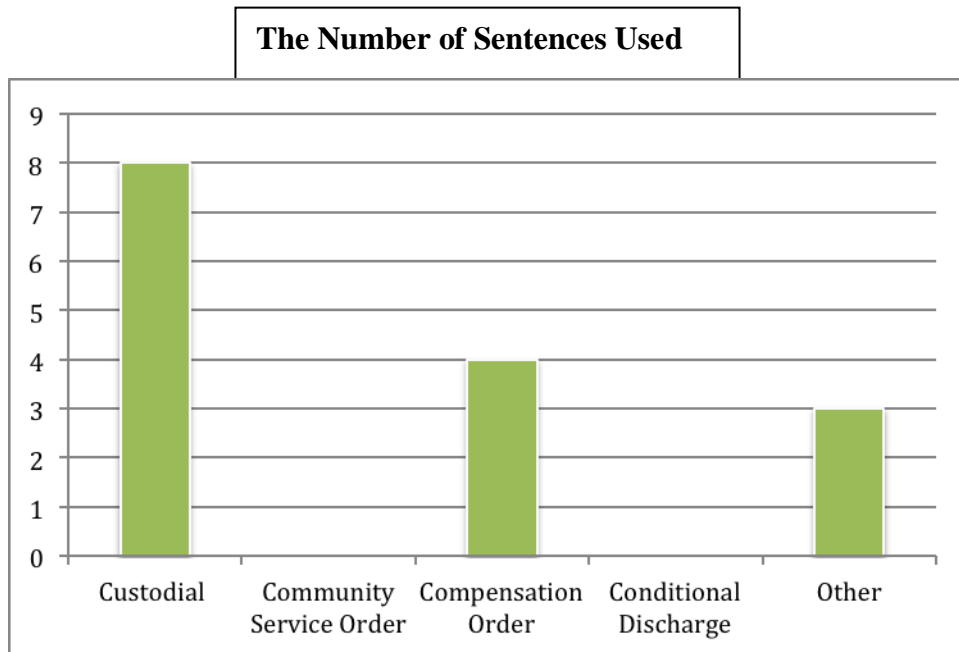
Table.4. A table showing the number of participants choosing punitive and non-punitive sentences.

All participants chose a *custodial* sentence for the offender, however *five* of the *not informed* group chose additional conditions (See Graph 5-8).

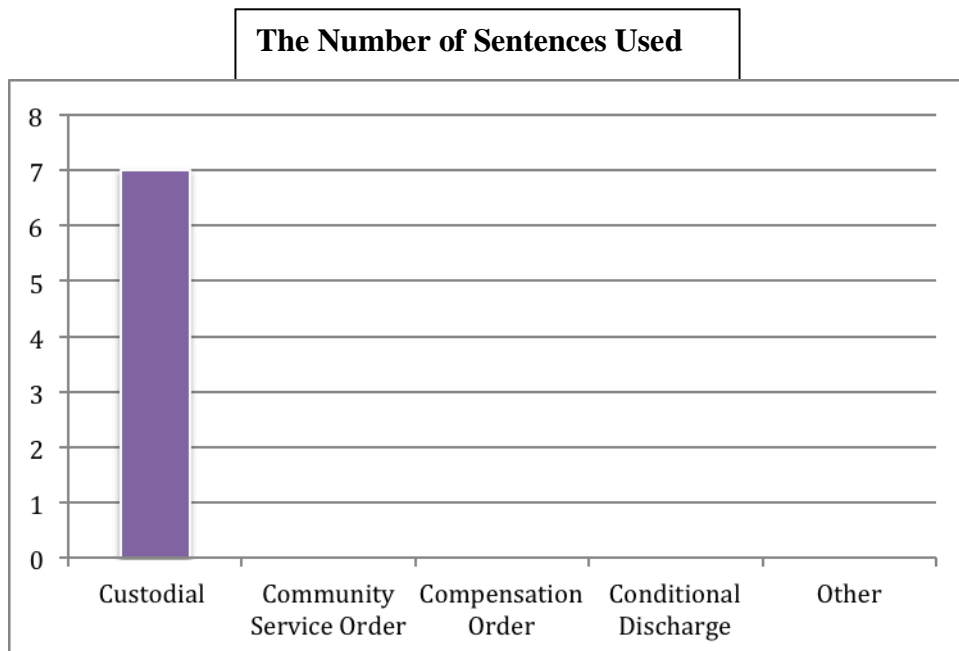
Surprisingly, the *informed* participants were excessively *punitive* in comparison to their *not informed* counter parts (See Table 5), which is contradictory to the hypothesis of this dissertation and to the findings of previous research (Anderson et al., 2002, Hough, 1996 and Hough & Roberts, 1999 and Roberts, 2003).

	Not Informed Participants	Informed Participants
Average Sentence Length	3 years	7 years

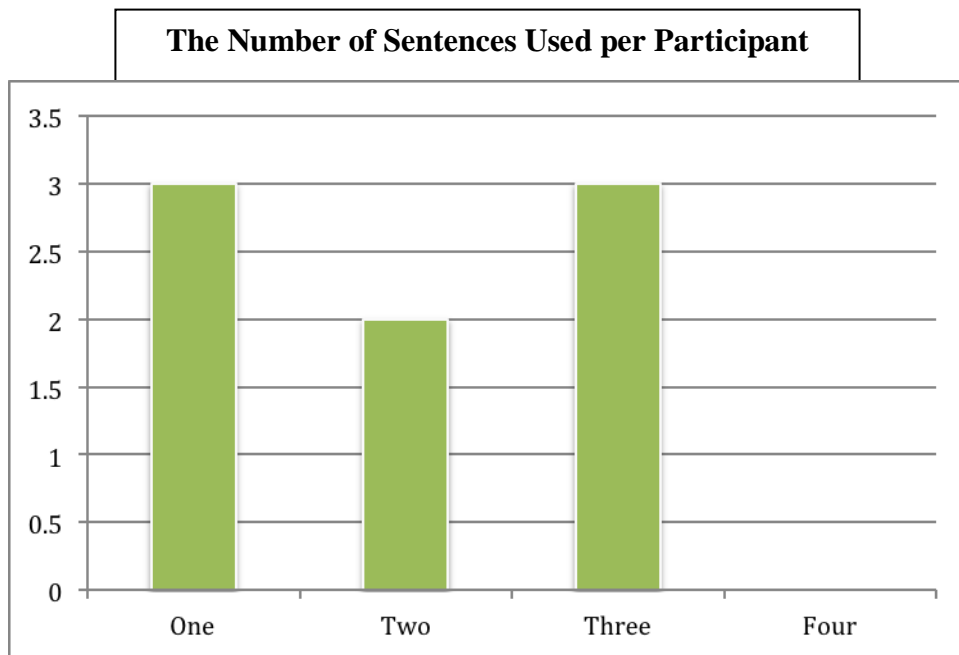
Table.5. A table showing the average length of custodial sentence issued by the participants.



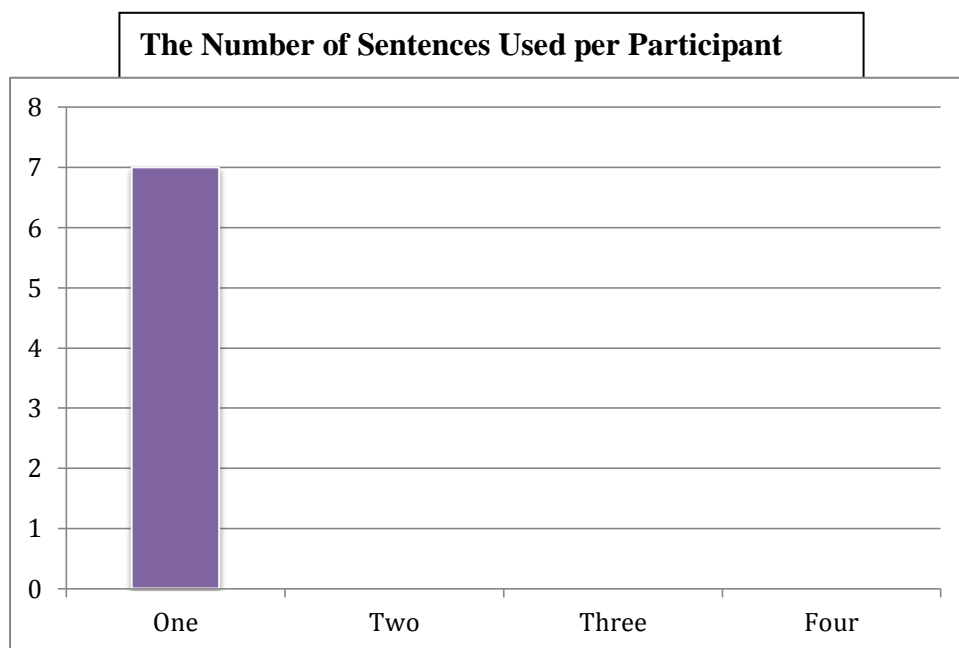
Graph.5. A graph showing the number and type of sentences used by *not informed* participants.



Graph.6. A graph showing the number and type of sentences used by *informed* participants.



Graph.7. A graph showing the number of sentences used by *not informed* participants.



Graph.8. A graph showing the number of sentences used by *informed* participants.

Although all participants chose the correct sentence, the maximum tariff that can be given by law for a dangerous driving offense is *two-years* (CPS, 2012). In total, *four* participants chose sentences of *two-years* or below, however *three* were from the *not informed* group. In theory, the *informed* participants are expected to recognise the lack of criminal intent in the case and therefore conclude that the offender warrants a

lower tariff due to the absence of a *mens rea* (Croall and Tyrer, 1998; 38-39). The following extracts from the interview transcriptions demonstrate the disregard of the fact that no *mens rea* was present;

(P17). Custodial sentence.

(R). Yeh, how long for?

(P17). Erm...*ten to fifteen* years or so.

(Appendix 7.13)

(P19). Erm case two; Custodial sentence.

(R). Ok. And how long for?

(P19). Erm...I'd go as far as saying *seven* years plus.

(Appendix 7.14)

Participants seemed more concerned by the harm experienced by the victim, rather than taking into consideration the characteristics of the case to inform their decision.

(P12)... He paralysed her then...A good *ten years*. Or more?.

(Appendix 7.11)

(R). What are you stuck between?

(P2). Because somebody's involved you can't really put a price on it, well not necessarily a price but a time on it to see how long someone should get punished, because what they've done is broken the law but should get some some time in prison for the severity of the case.

(Appendix 7.1)

(P4): I would errr give a custodial sentence for what he's done... because despite the fact that the judge in the case emphasized that no one had died you could argue that a life, where they are paralyzed, brain damaged and on a ventilator isn't really a life at all.

(Appendix 7.3)

The punitiveness expressed in *case two* could relate to the innocence and defenceless characteristics of the victim (Pratt, 2007; 86 and Reiner et al., 2001; 187), evoking emotional response by the participants, which results in more punitive sentences (Garland, 2001). This finding will be discussed in relation to the rise of the victim agenda and the new punitiveness (Garland, 2001 and Pratt, 2007).

The results from the media analysis conclude that although the *not informed* participants used more unreliable information sources in their top *three*, they were significantly less *punitive* than the *informed* participants. Therefore, no convincing link is present between the sources of knowledge used by the students and the punitive or non-punitive responses to the sentencing task.

Overall, the findings suggest *four* major themes; *non-punitive* attitudes exist towards offenders in cases without an identified victim regardless of the origins of CJS knowledge, *punitive* sentiments can still be expressed through *non-punitive* sentences, *informed participants* have excessively punitive attitudes and finally, there is still a general lack of knowledge about the CJS and its current practices. The significance of these contradictory findings will be discussed in the following sub-sections.

Non-punitive attitudes towards 'property crime'

The absence of *punitive* attitudes in the sentencing decision of *case one* was inconsistent with previous research and the hypothesis of this dissertation. Due to the high volume and *punitive nature* of media coverage preceding the summer riots, specifically relating to the subsequent criminal trials and convictions, *punitive* sentiments were expected. Cases reported in the press “were the unusual and newsworthy ones, not the every day typical cases” (Roger, 2011) and sentence lengths were above average compared with 2010 statistics (See appendix 12) (Guardian, 2011). *Punitive* sentences were reaffirmed with David Cameron being quoted that “anyone involved in the violent disorder should expect prison” (Bowcott and Bates, 2011). The mass reporting on the break down of social order in Britain last summer was expected to increase the *punitiveness* of the participants. However, because 100% of the participants responded with *non-punitive* sentences, it suggests that the Government are responding to the call for tougher sentences from the media but it calls into question whether media reports are a true representation of public sentiments and whether ‘*penal populism*’ still involves public opinion (Pratt, 2007 and Bell, 2007).

The riots also constituted what Martin Innes (2004) defines as ‘signal crimes’ as the disorder was a ‘warning signal’ of the underlying social tension following the shooting of Mark Duggan (p.335). The anti-social behaviour that arose spread from London to other major cities (e.g. Manchester, Birmingham & Liverpool) as the initial violence was not dealt with effectively. Innes (2004) believes that this sort of untreated disorder leads to more serious crimes being committed and ultimately leads to people changing their daily social routines due to fear (ibid). Although Innes (2004) applies this theory to a community over time, the riots saw this process occur within *five* days. All the participants of this research, to some extent will have experienced such disruptions and fear when Kingston town centre went into lock down in light of a perceived violent criminal threat. For this reason, *punitive* attitudes were expected.

Alternative approaches are also considered to determine the underlying reason why all participants expressed *non-punitive* sentiments. Firstly, participants may consider handling stolen goods a less serious offense because no victim was physically harmed in the process of the omission. Multidimensional scaling studies in the US have shown that in order for a person to define a crime as serious, a dimension of ‘victim harm’ must be present, in the crime vignette, which is used to depict a crime to respondents (Kwan et al., 2007; 9). However, other studies using ‘crime vignettes’, found that by using dimensions that do not describe the offenders ‘intentions’ (for example, prostitution, theft, assault), respondent’s use stereotypical views of

culpability to determine the seriousness of a crime (Forgras, 1980, cited in Patron et al, 1991; 73). The description of the criminal offense in *case one* of this dissertation only identified that the offender had *handled stolen goods*. It can therefore be assumed that because no victim was identified or criminal intentions stated, participants did not deem the case to be serious. Subsequently, a *punitive* sentence was not warranted.

Secondly, due to the social causes of the London riots, students may have thought community sanctions were appropriate in order to reintegrate the offender back into society through a process of re-moralization. Participants repeatedly stated in case one that the offender needed to learn from his mistake (See appendix 7-7.14).

Such comments fall in with *sociological theories of crime* and that imprisonment is not always the most suitable punishment. Initially, David Cameron stated that the riots were carried out by the “worst of Britain” (Cameron, 2011 press speech bbc), which suggests a sub-culture of citizens was responsible. Sociological theorists such as Durkheim and the Chicago School sociologists favoured re-moralization, social integration and rehabilitation, which were all common practices in post-war social democratic England (Garland, 2001). It could be argued that British Citizens today still hold the same values, however, they have been overshadowed or repressed by the politicization of law and order as well as the punitive policies being derived by populist politicians (Pratt, 2007).

Punitive sentiments within non-punitive sentences

Although *non-punitive* sentences were recorded by all participants in relation to case one, the length of sentences issued by those who chose unpaid work were highly *punitive* when compared to the maximum sentence of unpaid work of; 300 hours (Directgov, 2012).

Participants suggested support for rehabilitation, as they believed unpaid work or compensation orders should be used so the offender ‘learns a lesson’. Such attitudes are expressed in the below transcript extracts.

(R): OK and how long would you say the community service order would have to be for?

(P5): Erm... depends how heinous the crime was, but in this case it could be one year.

(R): One year. Ok.

(P5): Maybe even longer. Ahh I don’t know the maximum term and the minimum term.

(R): It’s just what you think, so your complete decision.

(P5): OK. So possibly to learn his lesson maybe one year two years.

(Appendix; 7.4).

(P7): Oh Case one community service order.

(R): Yeah.

(P7): For how long or just..

(R): Yep for how long.

(P7): Probably around... 4 years?

(R): four year Community service?

(P7): Yeah, I'm not sure how many hours a week but he needs er... to pay the consequences and learn that, that's not acceptable and I think errr...

(Appendix: 7.6).

Such attitudes towards community pay back mirror those of academics and penal reformers, whom believe that punishments undertaken away from penal institutions can be more effective as offenders experience less social exclusion (Garland, 2001; 123). However, the punitive length of the sentences expressed overshadows the community solution chosen by the participants of this study.

The excessive lengths of *unpaid work* expressed by the majority of participants highlight a serious lack of knowledge about current sentencing practices and also suggests that although alternatives to prison are recognised, *punitive* attitudes still exist. These attitudes could indeed be influenced by punitive penal policies but it does not explain why the participants did not use imprisonment instead. This was the obvious option considering the level of media attention the London riots received and the tough stance taken by the coalition.

Excessively punitive attitudes of informed participants

Consistent with the hypothesis of this dissertation punitive attitudes were found amongst participants in relation to the sentence length of unpaid work in *case one* and the average length of custodial sentence issued for the offender in *case two*. However, contrary to the hypothesis and previous research, excessively *punitive* attitudes were displayed by the *informed* participants, whom on average issued sentences for double the amount of time compared to the *not informed* group. Although both groups were deemed to hold *punitive* attitudes, the excessiveness of the *informed* group raises more academic issues and warrants further investigation.

Punitive attitudes towards the sentencing of offenders have developed as a result of a fundamental shift in the axis of contemporary penal power brought about by the social, economic and political changes discussed in the previous chapter (Chapter 3:Literature review)(Pratt, 2007;3). Coupled with *penal populism*, the dominant

voices of crime policy have become the ill-served public (Matthews, 2005) with special attention being paid to the crime 'victim' by the mass media (Garland, 2001; 13). The victim is subsequently portrayed as innocent and defenceless, which evokes emotional responses, meaning the British public's understanding of crime is through *victimization*. Therefore, the understanding of crime reality is through personal accounts rather than statistical expert knowledge and results in *punitive* responses to offenders because human emotion is involved (ibid). The increased visibility of victims (Dignan, 2005; 14) or the 'victim agenda' can accordingly explain the *informed* students' *punitive* attitudes towards the offender in *case two* (Pratt, 2007; 85-86). The victim of the crime was an eighteen-month-old child, which fits with the iconic victim status and consequently, elicits emotions from the participants leading to the *punitive* sentence (ibid).

However, as the *informed* participants should, in theory, have been aware of *penal populism*, the outcome of the sentencing task was unexpected. Instead, it was believed that they should have been in line with current sentencing practices.

An additional reason for the *punitive* responses are also possibly the result of the 'punitive shift' in penal policy making (Matthews, 2005). The politicisation of law and order and the decline of the rehabilitative model (Garland, 2001; 3) saw the beginnings of a process of decivilization (Pratt, 2005). Consequently *punitive* and expressive justice policies re-emerged (Garland, 2001; 3), as public opinion was favoured over scientific expert knowledge, deliberately provoking human sensibilities (Pratt, 2005). *Penal populism* and the mass media has somewhat desensitised the public to harsh penal policies, with the *victim agenda* justifying public expression of *punitive* attitudes as well as the implementation of *punitive* penal policies. As *punitive* attitudes towards offenders have now become part of every day society, the *informed* students will still have been exposed to the *punitive* culture of penal policy. However it does not explain their lack of knowledge in sentencing offenders. It is fair to say that the *punitive* nature of penal policies will influence the students to some extent, but the excessive *punitiveness* expressed by the *informed* was completely at odds with the hypothesis of this dissertation and the findings of previous research (see.). The underlying reasons for such attitudes could be due to *punitive* attitudes held towards CJ before entering University or poor knowledge of Criminal Justice, which could be the result of poor academic research or low quality teaching. Further research is needed to determine the true origin of the *informed* students excessively *punitive* attitudes.

Lack of knowledge about the Criminal Justice System

According to previous research into public *punitive* attitudes towards sentencing, such displays of *punitive* sentiment have been deemed to result from a lack of knowledge about the CJS and current sentencing practices (see Hough & Roberts, 1999, Anderson et al., 2002, Robert, 2003). The findings presented in this research also demonstrate a 'lack of knowledge', most significantly in relation to the maximum hours of unpaid work that can be issued and the maximum custodial sentence for dangerous driving.

Research by Roberts (2003) into public awareness of mandatory minimum sentences that were introduced for certain repeat offences in 1998, revealed that despite

considerable media attention public knowledge remained low (p490). The same can be said in relation to the riots. A maximum six months custodial sentence for anyone involved in the riots was highly publicized with reports in the media highlighting the punitiveness of the sentence in relation to the actual offense. For example The Guardian reported a student being jailed for the maximum term for stealing a £3.50 bottle of water in Brixton. Such reports highlighted the tough stance David Cameron took coupled with the violent media reports therefore should have evoked punitive attitudes of the public towards rioters. Roberts (2003) argues that the lack of public knowledge of well-publicized sentences is detrimental to the deterrence and denunciation effects of such statute (ibid).

Participants consistently stated days, month and years when stating an unpaid work order, with one *informed* participant in particular stating the maximum amount of hours possible before making a decision;

(P4)...I would give him the maximum of the law, which is 240 hours...
(Appendix; 7.3)

Another *informed* participant issued the sentence in months;

(R) How long do you reckon the community service should be for?

(P6) Erm... twelve months... might be considered a bit strict.
But they should think about what they took.
(Appendix: 7.5)

The above statements are just two of the many incorrect accounts made by participants, which was only initially expected from the *not informed* group. The issue raised here questions the knowledge of the *informed* participants and the reliability of the teaching receiving and learning resources they are using.

The *punitive* sentences issued in *case two* again showed a 'lack of knowledge' by both groups, however the most apparent issue was the failure of the *informed* participants to realise the crime did not involve criminal intent. By taking this into consideration custodial sentences by law carry shorter terms, a fact which should have been identified by the *informed* participants. In addition dangerous driving carries a maximum of a *two-year* custodial sentence (CPS, 2012). Although the maximum tariff might not be common knowledge amongst the *informed* group, the lack of criminal intent should have been acknowledged. The below interview transcripts demonstrate the point presented above;

(P12)... He paralysed her then...A good *ten years*. Or more?..
(Appendix: 7.11).

(P17). Custodial sentence.

(R). Yeh, how long for?

(P17). Erm...*ten* to *fifteen* years or so.

(Appendix: 7.13).

(P19). Erm case two; Custodial sentence.

(R). Ok. And how long for?

(P19). Erm...I'd go as far as saying *seven* years plus.

(Appendix: 7.14)

The disregard of criminal intent could indeed be due to a lack of knowledge of criminal justice practices, or it could be due to a lack of familiarity with the particular dangerous driving offence. In order for a person to be found guilty of a crime evidence must prove that they committed the offence and are responsible for it (Davies, Croall and Tyrer, 1998;38-39). In legal terms the two aspects are ascribed the terms *actus reus*, the guilty act, and the *mens rea*, the guilty mind (ibid), However in this case the *mens rea* is not present as the driver did not intend to harm anyone whilst driving over the speed limit. Therefore the crime is deemed a strict or absolute liability offence, which does not allure the same level of culpability as a crime involving intention such as murder (ibid). The *informed* students, especially the criminology students should have been aware of the *mens rea* aspect that defines a person as guilty and realised it was missing in *case two* and subsequently given a lesser sentence due to the low level of culpability.

The reasons for the lack of knowledge demonstrated by the *informed* participants goes beyond the scope of this dissertation, because the origins of the *informed* groups CJS knowledge has been deemed more reliable than that of the *not informed* participants. Therefore the *informed* group should in theory have exhibited less *punitive* sentences than their counter-parts.

In addition to the 'lack of knowledge' demonstrated some participants openly admitted to not being interested in the CJS and being unaware of how to obtain government documents. (See appendix; 7-7.14).

In comparison to the 'lack of knowledge' found in previous studies public awareness of CJS and sentencing practices has not improved. The size of this study cannot determine whether public knowledge has decreased however it is certainly worrying that today's KUS studying law, political and sociological based degrees are not in possession of the correct knowledge and facts of the CJS, current sentencing practices and legislation.

Chapter 5: Conclusion

Using semi-structured interviews, this dissertation has discovered that *punitive* attitudes towards the sentencing of offenders exists amongst KUS, however contrary to previous research (Hough and Roberts, 1999), it has demonstrated that *punitive* attitudes still exist with additional knowledge of the CJS. Homogeneous with research by Hough (1996), Hough and Roberts (1999), Anderson et al (2002) and Roberts (2003) a consistent general lack of knowledge about CJ and sentencing practices was found amongst all participants.

The media analysis of the students' origins of CJS knowledge clearly identified that the *informed* students used considerably more reliable sources in the form of; books, the Internet (e.g. government websites) and academic journals. Such sources were deemed trustworthy because they are either academically researched, peer reviewed or official government sources. This finding coincides with the prediction that the *informed* participants would use reliable sources as the origins of their CJS knowledge because it is a requirement of their degree. It was also identified that *not informed* participants were less interested in CJ issues highlighting a possible reason for lack of knowledge about current sentencing practices. The lack of knowledge particularly related to participants whom sentenced the offender in *case one* to days, months and years of community service, rather than hours of unpaid work. This mistake was not just confined to the *not informed* group; the majority of the *informed* group made the same error. Misconceptions about the CJS and sentencing practices are not uncommon, as it has been recorded in previous academic research (Hough, 1996, Hough and Roberts, 1999, Anderson et al., 2002 and Roberts, 2003. However it suggests that public awareness is low, which could be the result of Government failings to inform British citizens of current CJS issues. Ken Clarke claimed to be improving the transparency of the CJS to increase the level of public awareness (Moj, 2011), however the findings of this research suggest that student awareness is still low, which could be an indicator for other groups of the British general public.

Both *punitive* and *not punitive* attitudes were found amongst KUS. The *non-punitive* sentences issued by the participant in *case one* were unexpected due the media attention of the London Summer riots in 2011 and the *punitive* stance David Cameron took in regards to the sentencing of rioters (Bowcott and Bates, 2011). The *non-punitive* sentences expressed could have been due to participants not deeming 'handling stolen goods' as a serious crime because there was no identified 'victim harm' described in the case (Kwan, Chiu and Ip, 2007; 9). An alternative approach suggests that participants did not believe a custodial sentence would 'teach the offender a lesson' and therefore a community penalty was considered more appropriate. This theory suggests that KUS support rehabilitative and expressive forms of justice, to re-moralise offenders, which was the preferred method by academics in the post-war social democratic era (Garland, 2001). Nevertheless, *punitive* attitudes were evident within the *not-punitive* sentences as lengths of unpaid work orders significantly exceeded the statutory 300 hours (Direct.Gov, 2012). Reasons for this overestimation can only be due to lack of knowledge about community penalties.

As predicted in the hypothesis not informed participants also expressed *punitive* attitudes when asked to sentence the offender in *case two*. *Punitive* attitudes towards the sentencing of offenders have developed from changes to political, social and economic conditions from the late 60s onwards. The *Punitive* shift in penal policy resulted from a decline in support for the rehabilitative model of crime control (Loader, 2006; 562), in favour of more expressive and retributive forms of justice (Garland, 2001;8). ‘Penal populism’ subsequently prevailed and a new political realignment occurred with public sentiment being embraced in the penal policy making process (Pratt, 2007;8). Scientific expert knowledge was replaced by public sentiments via the mass media (ibid) and a process of what Pratt (2005) terms ‘decivilization’ occurred desensitising the public to *punitive* expression. *Punitive* emotions are now justified by the ‘victim agenda’, which has been created to some extent by the media (Garland, 2001; 13). For this reason *punitive* attitudes were expected by the *not informed* participants as they were thought to be less aware of the effects of the mass media and current sentencing practices.

Although the hypothesis proved correct in relation to the *not informed* participants, the *informed* students proved excessively *punitive* towards the offender in *case two*. The unpredictable attitudes expressed by the *informed* participants brought into question whether the reliability of the origins of knowledge about the CJS determine *punitive* sentiments. Previous research has provided evidence of a general ‘lack of knowledge’ about CJS and sentencing practices (cite). However such research has been carried out using members of the general public and not present students studying political, criminological and law based subjects. As the *informed* group were not in line with current sentencing practices and failed to acknowledge sentence determining characteristics of the case, it questions the quality of the academic sources being used by the students as well as the academic content of the course and the degree of teaching.

The findings of this dissertation therefore conclude that *informed* participants use additionally reliable academic and peer review sources of knowledge compared to the unreliable sources used by the not informed counter-parts. However the use of such sources has not affected *punitive* sentiments express by the *informed* students as contrary to the hypothesis of this dissertation the group expressed excessively *punitive* attitudes.

Further Research

In order to determine the underlying causes of the *punitive* nature of students whom study political, criminogenic and law based degrees a longitudinal study could record the students knowledge and attitudes about the CJS and the sentencing of offenders, over the course of their university life. *Punitive* attitudes could be formulate prior to university and reaffirmed or even increased throughout the course of the three-years. An in-depth analysis of the students’ educational background could also be undertaken via looking at chosen GCSE and A level to determine interest in the CJS and the sentencing of offenders. Students from multiple Universities could also be used to test whether the quality of the degree and level of teaching affects students’ knowledge and opinions.

Bibliography

- Anderson, S., Ingram, D. & Hutton, N. (2002). *Public Attitudes Towards Sentencing and The Alternatives to Imprisonment*. Scottish Parliament Paper, 488; Session 1. Scotland: The Stationary Office Ltd.
- Beckett, K. and Western, B. (2001). 'Governing Social Marginality: Welfare, Incarceration, and the Transformation of State Policy' in *Punishment and Society*. Vol:3(1) : 43-59. Available online: <http://pun.sagepub.com/content/3/1/43>
- Bell, E. (2007). 'A new directions for penal politics? Putting the popular back into populism' R. Roberts R., and W. McMahon (2007) (eds), *Social and Criminal Justice*. London: Centre for Crime and Justice Studies. Available online: <http://www.crimeandjustice.org.uk/sjcj2007.html>
- Bowcott, O. and Bates, S. (2011). 'Riots: magistrates advised to 'disregard normal sentencing''. *The Guardian*, 15th August 2011 [Online]. Available at: <http://www.guardian.co.uk/uk/2011/aug/15/riots-magistrates-sentencing>
- Bryman, A. (2008). *Social Research Methods*. Oxford: Oxford University Press.
- Bryman, A. & Carman, D. (1990). *Quantitative Data Analysis for Social Scientists*. London: Routledge.
- Cavadino, M. & Dignan, J. (2006). 'Penal Policy and The Political Economy' in *Criminology and Criminal Justice*. Vol: 6 (4) pp: 435-456. Available online at: <http://crj.sagepub.com/content/6/4/435.short>
- Cohen, S. (2002). *Folk Devils and Moral Panics*. Oxon: Routledge.
- Davies, M., Croall, H., and Tyrer, J. (1998). *Criminal Justice; An introduction to the Criminal Justice System in England and Wales(2nd edition)*. Essex: Pearson Education Limited.
- Dignan, J. (2005). *Understanding Victims and Restorative Justice*. Maidenhead: Open University Press.
- Downes D., and Hansen K., (2006) Welfare and Punishment: The relationship between welfare spending and imprisonment. Briefing Paper No 2. Crime and Society Foundation. London (available on line)
- Fielding, N. & Thomas, H. (2008) 'Qualitative Interviewing' in Gilber, N. (2008). *Researching Social Life (3rd ed)*. London: SAGE Publications Ltd.
- Garland, D. (1990). *Punishment and Modern Society: A Study in Social Theory*. Oxford: Clarendon Press.
- Garland, D. (2001). *The Culture of Control*. Oxford: Oxford University Press
- Garside, R. (2007). 'Punitiveness' and 'Populism' in Political Economic Perspective' in Roberts. R and McMahon. W. (2007) (eds), *Social and Criminal Justice*. London: Centre for Crime and Justice Studies. Available online: <http://www.crimeandjustice.or.uk/sjcj2007.html>
- Guardian. (2012)
- Homan, R. (1991). *The Ethics of Social Research*. Essex: Addison Wesley Longman Limited.
- Hough, R. (1996) 'People Talking About Punishment' in *The Howard Journal*. Vol: 35 (3); 191-214. Available Online: <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2311.1996.tb00871.x/pdf>.

Hough, M. & Roberts, J. (1999) 'Sentencing Trends in Britain: Public Knowledge and Public Opinion'. *Punishment and Society*. Vol: 1 (1) : 11-26. Available online: <http://pun.sage.com/>. Accessed: 01/11/11.

Hutton, N. (2005). 'Beyond Populist Punitiveness?' in *Punishment and Society*. Vol: 7(3) ; 243-258. Available online: www.sagepublications.com. Accessed: 20/12/11.

Innes, M. (2004). 'Signal crimes and signal disorders: notes on deviance as communicative action' in *The British Journal of Sociology*. Vol: 55(3) : 336-335. Available online: <http://onlinelibrary.wiley.com/store/10.1111/j.1468-4446.2004.00023.x/asset/j.1468-4446.2004.00023.x.pdf?v=1&t=h3t8egkb&s=c8731810e48bb7e09d83e22ba75805eb4f29149c>

Israel, M. & Hay, I. (2006). *Research Ethics for Social Scientists*. London; Sage Publications Ltd.

Jenkins, S. (2011). 'Cameron mugging Clarke was about fear of tabloids, not consultation'. *The Guardian*, 23rd June 2011 [Online]. Available at: www.guardian.co.uk.

Kelle, U. & Erzberger, C. (2010) 'Qualitative and Quantitative Methods: Not in Opposition' in UWE Flick, von Kardof, E. and Steinke, I. (eds) (2010). *A Companion to Qualitative Research*. London: Sage.

Kwan et al., (2007). 'Measuring Crime Seriousness and Perceptions' in Froeling, K. (eds). *Criminology Research Focus*. New York: Nova Science Publishers, Inc. Available online: http://books.google.co.uk/books?id=yYIXtnGqOjwC&pg=PA9&lpg=PA9&dq=define:+crime+vignettes&source=bl&ots=dEBXjbbZl8&sig=fKhASzoQChHd3dQec_i7T0Ncmw0&hl=en&sa=X&ei=4vjZT_irBYfv0QXNgumTBA&ved=0CEoQ6AEwAA#v=onepage&q=define%3A%20crime%20vignettes&f=false

Loader, I. (2006). 'Fall of the platonic guardians: liberalism, criminology and political responses to crime in England and Wales'. *British Journal of Criminology*. Vol: 46(4) : 561-586. Available online: <http://bjc.oxfordjournals.org/content/46/4/561.abstract>.

Matthews, R. (2005). 'The Myth of Punitiveness' in *Theoretical Criminology*. Vol: 9(2) : 175-202. Available online: <http://tcr.sagepub.com/cgi/content/9/2/175>.

Mathews, B. & Ross, L. (2010). *Research Methods: A Practical Guide for the Social Sciences*. Essex: Pearson Education Limited.

Ministry of Justice (MoJ) (2010). *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing Offenders*. [Online] Available at: <http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf>. Accessed: 01/10/2011.

Newburn, T. (2002). 'Atlantic Crossings: 'Policy transfer' and crime control in the USA and Britain' in *Punishment and Society*. Vol:4(2) :165-194. Available online: <http://pun.sagepub.com/content/4/2/165>.

Patron et al., (1991). 'Measuring Crime Seriousness; Lessons from the National Survey of Criminal Severity' in *The British Journal of Criminology*. Vol 31(1); pp: 72-85. Available online: <http://bjc.oxfordjournals.org/content/31/1/72.full.pdf+html>

Pratt, J. (2005) 'Elias, punishment, and decivilization' in Pratt, J., Brown, D., Brown, M., Hallsworth, S. & Morrison, W. (Eds). *The New Punitiveness: Trends, Theories, Perspectives*. Devon: Willan Publishing.

Pratt, J. (2007). *Penal Populism*. London: Routledge.

Reiner, R. (2007). 'Neo-liberalism, Crime and Justice' in Roberts. R and McMahon. W. (2007) (eds), *Social and Criminal Justice*. London: Centre for Crime and Justice Studies. Available online: <http://www.crimeandjustice.or.uk/sjcj2007.html>

Reiner, R, Livingston, S, and Allen, J. (2001). 'Casino culture; media and crime in a winner-loser society' in Stenson, K, and Sullivan, R. (eds). *Crime, Risk and Justice: The Politics of Crime Control in Liberal Democracies*. Devon: Willan Publishing.

Roberts, J. (2003) 'Public Opinion and Mandatory Sentencing: A Review of International Findings' in *Criminal Justice and Behaviour*. Vol: 30 ; pp 483-507. Available online: <http://cjb.sagepub.com/>.

Rogers, S. (2011). 'Date journalism reading the riots: what we know. And what we don't'. *The Guardian*, 9th December 2011 [Online]. Available at: <http://www.guardian.co.uk/news/datablog/2011/dec/09/data-journalism-reading-riots>.

Ryan, M. (2005). 'Engaging with punitive attitudes towards crime and punishment. Some strategic lessons from England and Wales' in Pratt, J., Brown, D., Brown, M., Hallsworth, S. & Morrison, W. (Eds). *The New Punitiveness: Trends, Theories, Perspectives*. Devon: Willan Publishing.

Simmonds, P. and Andaleeb, S. (2001). ' Usage of Academic Libraries: The Role of Service Quality, Resources, and User Characteristics' in *Library Trends*. Vol:49 (4); pp: 626-634. Available Online: <http://www.libqual.org/documents/admin/Simmonds.pdf>

Soloman et al. (2007) *10 Years of Labour: An Independent Report*. Centre for Crime and Criminal Justice Studies, London. Available online: <http://www.crimeandjustice.org.uk/opus55/ten-years-of-labour-2007.pdf>

UWE Flick. (2009). *An Introduction to Qualitative Research*. London: Sage Publications Ltd.

Websites

Directgov. (2012). *Crime and Justice: Doing Community Payback*. Available at: http://www.direct.gov.uk/en/CrimeJusticeAndTheLaw/Sentencingprisonandprobation/Communitysentences/DG_196050. (Accessed: 10/06/2012).

Crown Prosecution Service (CPS). (2012). *Dangerous Driving*. Available at: http://www.cps.gov.uk/legal/s_to_u/sentencing_manual/dangerous_driving/. (Accessed: 10/06/2012).