

# JUVENILE CRIME AND PUNISHMENT IN BUCHAREST, ROMANIA: A Public Opinion Survey

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## ABSTRACT

*This paper discusses results from a survey of public attitudes towards juvenile crime and the treatment of juvenile offenders in Romania. The study is based on research conducted as part of an MSc in Community Safety at Leicester University. Studies examining public opinion and crime are new to Romania – indeed, this survey represents the first attempt to explore such subjects. Results show that public opinion is inconsistent, with ambivalent attitudes about juvenile crime and sentencing; people concurrently favour retribution and tougher sentences for juvenile offenders, while supporting elements of restorative justice and non custodial penalties. Explanations for such contradictory views include inaccurate knowledge about juvenile crime, prejudices and distorted media reporting.*

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## Why Study Romanian Public Views on Crime and Punishment?

Before the fall of communism, Eastern European countries experienced relatively low levels of criminality in comparison with Western countries, because of the rigorous 'control measures and their politically strict orthodoxy' (Kury and Ferdinand, 1999, p. 1). Even though current levels of crime in ex-communist countries are still lower than in most Occidental countries, nationally the level of criminality has increased significantly during the transition period (Kury and Ferdinand, 1999). Some argue that 'political turbulence' combined with the 'growth in criminality' led to an increased fear of crime among Romanians, as well as growing feelings of scepticism and mistrust towards government bodies and the judicial system (Roberts and Hough, 2002, p. 109). In addition, the public's sense of insecurity has been strongly influenced by the media, now free to report more and more crime 'dramas' on a daily basis. Indeed, there is evidence (Haines and Haines, 2001) that the media exaggerate the extent of crime in Romania, in particular juvenile crime. Therefore to the extent that the media influence public attitudes, these are likely to be based on stereotypes and inaccurate figures from unrepresentative reporting.

There is very little research into Romanians' attitudes towards crime and sentencing. Previous studies<sup>1</sup> are limited to measuring fear of crime amongst Romanians (UNDP, 1997), public opinion about the death penalty (Keil et al., 1999) or about delinquency in general (Ionescu, 2000). However, there is no study investigating Romanians' opinions about *juvenile* delinquency and its treatment. Where public opinion is misinformed it can compromise the fundamental principles of justice (Walker and Hough, 1988). If politicians are to give greater consideration to the 'congruence' of public opinion and sentencing practice, in particular to the level of public confidence in the administration of justice (Roberts and Hough, 2002), then the exploration of public knowledge about crime and criminal justice issues becomes important. However, policy makers need to be aware of the extent and limitations of public opinion, the media's influence in shaping people's views about sentencing and the methodological limitations of studies into this area (Roberts and Hough, 2002)<sup>2</sup>. Finally, given Romania's likely accession to the EU in 2007, and the increasing cooperation in criminal justice policies within the EU, research into public opinion in Romania is of greater political significance.

Much of the international research into public opinion regarding sentencing (Ashworth and Hough, 1996; Roberts and Cole, 1999; Kershaw et al., 2001; Russell and Morgan, 2001; Roberts and Hough, 2002) has shown that public confidence in the administration of justice is low, due in part to the discrepancy between public beliefs and the reality with regard to sentencing practice. The public consistently misjudges trends in both adult and juvenile crime, tends to underestimate the severity of sentencing, and is generally uninformed or misinformed about criminal justice policy. The media have a significant role in shaping people's conceptions about crime because of the emphasis on reporting crimes of violence. Additionally, in contrast to what politicians might think, the public support alternative sentencing options when these are made salient, as well as rehabilitation and prevention efforts, especially regarding juvenile offenders. Although most of these findings emerged from studies of public attitudes towards crime and sentencing in general, or studies focussed solely on 'adult' crime<sup>3</sup>, the lack of public knowledge about the criminal justice system is

equally reflected in studies looking into public opinion about juvenile crime. Evidence from Britain and elsewhere shows that people consistently think that juvenile crime is on the rise, whatever the real trend may be (SERL, 1995; Headly and Ross, 1995; Fairbanks, 1996; Beldon et al., 1998; NACRO Youth Crime, 2001; Carl Vinson Institute of Government, 2002). Nevertheless, these studies reveal that the public is generally less punitive regarding young offenders and show more support for alternatives to imprisonment.

## **Methodology, 'Convenience' Sampling and Validity**

This survey was conducted in the second half of 2003 in Bucharest, the capital of Romania<sup>4</sup>. The study reports on 295 respondents aged 18 and over, who were given structured questionnaires to complete. The questionnaire was developed from an analysis and assessment of public opinion and crime studies conducted around the world, and drew heavily on the seminal work developed through successive British Crime Surveys. However, the development of the questionnaire was also influenced by the context in which the survey was to take place; respondents' feedback (via pre-testing and piloting); Romania's historical, political and socio-economic context, as well as contemporary practices within the juvenile justice system.

Closed questions with tick-box and Likert-scale response formats were used in order to assess:

- respondents' socio-demographic characteristics (e.g. age, sex, occupation, education, income etc);
- respondents' knowledge and perception of juvenile crime and sentencing, as well as attitudes towards the treatment of juvenile offenders in Romania (including the views of victims of crime on these subjects) and ;
- additional related topics, such as the perception of crime as a social problem, the level of public confidence in the working of the criminal justice, juvenile crime prevention, and the media and government's response to juvenile crime.

The questionnaire was distributed to 450 residents of Bucharest aged 18 and above<sup>5</sup>. The distribution followed a purposive snow-balling non-probability design, with 295 correctly completed questionnaires returned (a response rate of 66.6%)<sup>6</sup>.

An important question for any public opinion survey concerns the extent to which the sample population is representative of the wider population; in other words, whether the results of the study can be generalised outside the sample group. In the current study, it is recognised that using non-probability, as opposed to probability sampling, is a potential limitation. Non-probability sampling was chosen for a number of practical reasons including the financial costs, time and access to the target population<sup>7</sup>. However, the use of non-probability sampling does not necessarily invalidate the results. Subsequent analysis showed that this sampling strategy produced a reasonably representative sample, as the socio-demographic characteristics of the sample population of this study were broadly in line with those of the population of Bucharest<sup>8</sup>.

## Findings

In common with most public opinion studies, findings here are presented mainly in the form of frequencies of responses. However, statistically significant associations in the data are explored, where possible. For example, relationships between various socio-demographic variables and people's opinions about juvenile crime and its treatment in Romania were analysed using Chi-square tests of significance<sup>9</sup>.

### *Public perception of crime as a social problem*

The results of this study show that there is public concern about law and order in Romania. However, in the eyes of respondents the most important social problem was not seen to be crime, but poverty. Over half (58.3%) of residents surveyed thought poverty was the most important social problem, a finding very much in line with the reality of their lives (Durnescu, 2001)<sup>10</sup>. The choice of unemployment and education as the next most important problems (after poverty) confirms once again people's dissatisfaction with their socio-economic conditions. Interestingly, Chi-square tests indicate that poorer people (those with low income or no income) were more likely to rate crime as the main social problem than people with a better standard of living.

### *Juvenile crime and sentencing*

When asked about recent national juvenile crime trends, the majority of respondents (75.9%) believed that juvenile crime was on the increase. As official crime statistics show that juvenile crime declined over the period in question<sup>11</sup>, it is clear that there is a mismatch between the 'real' juvenile crime trend and the public's perception of that 'reality'. Similarly, statistics (Balan and Motataianu, 2002; Barclay and Tavares, 2002) indicate that the imprisonment rate for juveniles has decreased in recent years. Only 6% of respondents were aware of this change, while the majority (78%) thought that the number of juvenile offenders sent to prison had increased. These results illustrate that the public is ill-informed about juvenile crime and over-estimates the imprisonment rates for juvenile offenders in Romania.

The overwhelming majority of respondents (91.5%) also substantially overestimated the extent to which juvenile crime involves violence, while underestimating the proportion of crimes involving theft (67.2%). Statistics available at the time of conducting the research<sup>12</sup> show that the vast majority (83%) of juveniles convicted in 2001 were involved in acquisitive crimes (mainly theft) and only 8.8% were convicted for violent crimes<sup>13</sup>.

There are a number of possible reasons why people's estimations of crime and sentencing figures are so wide of the mark. Firstly, official crime statistics are inaccessible to the public and often out of date, lack of knowledge is therefore hardly surprising. Secondly, as the media are the main source of information, public attitudes are subject to influence by unrepresentative reporting<sup>14</sup>. Thirdly, discrepancies between national and local crime rates could induce differences of opinions. It is often argued (Hough and Roberts, 1998) that even when national crime rates fall, local crime rates may have risen. Hence respondents living in such an area would have been influenced by the local experience of crime when answering questions about national crime rates. Although crime rates in Bucharest are quite low (DGP, 2004), some areas experience higher levels of crime than others, hence misleading generalisations can be created.

Interestingly, Chi-square tests indicate that respondents' level of knowledge about some aspects of juvenile crime differed according to socio-demographic variables:

- Poorer (low income or no income) respondents were more likely to overestimate the proportion of juvenile offenders engaged in violent crimes;
- Younger respondents tended to overestimate imprisonment rates for juvenile offenders;
- The elderly underestimated the imprisonment rates for juvenile offenders who had committed theft and burglary.

### ***Confidence or neutrality?***

A plurality of opinion emerged when the public was asked to comment on sentencers and their ability to deliver justice. One third (33.2%) of the public expressed confidence in the courts, one third was somewhat neutral (33.2%) and one third was more critical of the performance of the courts. How one chooses to interpret these results is a matter of judgement. On the one hand, one could say that only a third of the public expressing negative views about the courts is a positive result. On the other hand, the lack of confidence expressed by another third and the lack of opinion expressed by others, coupled with the general public dissatisfaction regarding the 'lenience' of courts<sup>15</sup>, indicates that the majority of the public do not have confidence in the courts and this quite rightly should be considered a problem for a democratic country. People's discontent with judicial practices is echoed in other surveys of public opinion. In the UK, for example, when asked about the effectiveness of criminal justice agencies, such as the police, the prison service, magistrates, the Crown Prosecution Service, the probation service and judges, the public considers that judges are the least effective in doing their job (Mirrlees-Black et al., 1996).

An important aspect of public confidence in the administration of justice concerns the way courts deal with juveniles. In this respect, the vast majority of the public (71%) not only believed that juveniles should be treated differently from adults, but they also believed that the courts give full expression to this principle. Furthermore, almost half (44.4%) of respondents considered that within the sentencing process, judges respected the rights of juvenile offenders and treated them fairly. These findings suggest a slightly more positive view of the courts than those above and of other studies (cited above). It is, however, important to note that Chi-square tests indicate that some groups in society held different opinions about this issue: more educated people as well as those with a higher standard of living tended to be more critical of the courts' response to juvenile offenders.

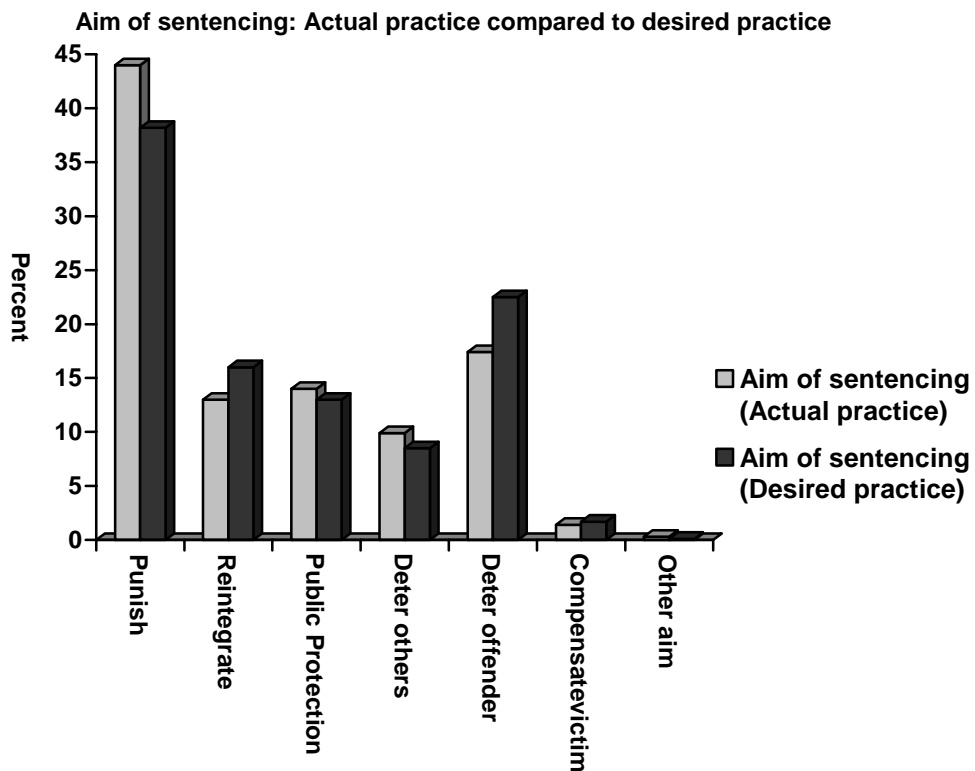
### ***Public punitiveness in respect of juvenile offenders – does ignorance justify the means?***

The survey examined whether people felt that sentences handed down by the courts were either tough/too tough, about right or lenient/too lenient. The majority of the public (72.2%) considered that the courts were lenient or too lenient when sentencing juvenile offenders. This result is consistent with similar findings from research undertaken in Western countries and may be taken here, as elsewhere, as evidence of a basic punitiveness underlying public opinion (Roberts and Hough, 2002). However, as has been shown here and elsewhere, findings like this are believed to be influenced by the accuracy of respondents' knowledge about juvenile crime and sentencing and by the fact that people answer this type of question with stereotypes of violent crimes in mind (Walker and Hough, 1988). Moreover, simply asking the public whether

sentences are lenient or tough is often considered a misleading way of measuring public opinion (Mirrlees-Black et al., 1998). To overcome this limitation, additional questions measured in more depth the public’s opinion about juvenile offenders and their treatment (e.g. respondents were given more information about specific criminal cases or ways of dealing with juvenile offenders<sup>16</sup>). When provided with this information, the greatest proportion of respondents supported *non-custodial* sentences, such as community service (54.9%) or probation (31.9%). Only 9.5% favoured imprisonment. These findings demonstrate a considerable rise in the level of public support for non custodial penalties – particularly for minor offences such as theft<sup>17</sup>. The shift in public opinion towards less severe sentences is in line with findings from Western studies which demonstrate that the public generally becomes less punitive when more information is presented (Roberts and Hough, 2002).

A contradictory view, however, emerges from findings assessing public punitiveness with regards to the *aims* of sentencing. Respondents’ view about sentencing aims<sup>18</sup> was explored from two perspectives: people were asked firstly what they thought judges have in mind when passing sentences, and secondly what, in their view, these sentencing aims should be. When comparing the findings from the two perspectives (see GRAPH 1), no significant differences were found: the largest proportion of respondents (44%) considered that retribution (‘to punish the offender’) is what judges are mainly trying to achieve when sentencing juvenile offenders. Likewise, when asked what they thought the purpose of sentencing should be, 38.2% of respondents similarly favoured ‘retribution’. These results indicate that the public is basically punitive in its response to sentencing juvenile offenders and believes the courts are similarly punitive.

**GRAPH 1**



(Source: *Questions: ‘When judges pass sentences, what do you think they are mainly trying to achieve?’ and ‘In your opinion, what do you think should be the main purpose of sentencing?’*)

Similarly, results indicated that people wanted more juvenile offenders to be sent to prison for violent crimes, burglary and theft<sup>19</sup>. This latter result is not consistent with people’s support for non custodial penalties for a particular case of minor theft. One can argue that this inconsistency within people’s attitudes reflects once again the fact that, when asked about sentencing in general, people tend to think about worst case scenarios, even when theft is the offence in question (Hough and Roberts, 2002).

Further contradictory results emerged when people were asked other questions about juvenile offenders. In contrast with the traditional mode of sentencing practice in Romania, which is based on a strict Criminal Code in which the sentence is based only on the offence and not the characteristics of the individual, the majority of the public (70%) thought that both the circumstances of crime and the juvenile offender’s personal circumstances should be taken into account in the sentencing process<sup>20</sup>.

Correspondingly, by exploring public reaction to some elements of restorative justice practice<sup>21</sup>, it was found that people were willing to accept ‘new’ ways of dealing with crime, in particular juvenile crime. This survey did not make a detailed analysis of public approval or disapproval towards restorative justice, but mainly aimed to determine whether some elements of this new paradigm generate public interest. When asked if they would agree to reconciliation with the offender and a settlement of compensation for a minor offence of theft, about half of the respondents (50.2%) either agreed or strongly agreed with these restorative options.

The findings presented above reveal that public opinion about crime and justice can be contradictory, inconsistent and driven by the level of knowledge they have in this area. As other (Western) public opinion studies have shown<sup>22</sup>, the ambivalence of public opinion is reflected in this study as well. On the one hand, the public support imprisonment and ‘tough’ justice for juvenile offenders; on the other hand, the public is apparently willing to support alternative sentencing. The Romanian public are similarly uncertain about how to respond to juvenile delinquency as shown in Table 1 below:

**TABLE 1**  
***To Be or Not to Be Punitive?***

People believe sentences handed down by the courts are too lenient ...	... <b>yet</b> consider that both the circumstances of crime and of the juvenile offender should be taken into account in sentencing (in contrast to traditional practice in Romanian courts);
People believe that retribution is and should be the main aim when sentencing juvenile offenders ...	... <b>but</b> accept ‘new’ ways of dealing with juvenile crime, in particular elements of restorative justice such as reconciliation and financial settlement;
People want more juveniles sent to prison for violent crimes, theft and burglary...	... <b>while</b> supporting non custodial penalties, particularly for minor offences (i.e. theft)



***Correlates of punitiveness***

There appears to be a relationship between punitiveness and the socio-demographic characteristics of respondents. Statistical analysis<sup>23</sup> shows that males were more punitive than females when judging the proportion of juveniles who should be sent to prison for violent crimes, while females were more likely to support juveniles being treated differently from adults. Moreover, while the majority of males considered retribution to be the most important aim of sentencing, females were more likely to identify sentencing objectives such as deterrence. Indeed, the difference between men and women has been one of the most consistent correlates of punitiveness in Western public opinion studies (Besserer, 2001).

A statistically significant correlation was also found between respondent's standard of living and their attitudes to sentencing juvenile offenders: people with low incomes were more likely to believe that sentences passed by the courts in Romania are too lenient. Interestingly, however, people with lower incomes and lower education were also more likely to favour 'restorative' options.

Age and education have an impact on the way people view juvenile offenders. For example, older people were more likely to support rehabilitation of juvenile offenders, as a main sentencing objective. Chi-square tests indicated that people with a higher level of education were more punitive towards young delinquents: the more educated people were, the more likely they were to believe that retribution should be the primary aim of sentencing. It is interesting that these findings do not replicate those from other surveys in Western countries, which generally suggest that the less educated hold more punitive views (Roberts and Hough, 2002). The explanation for this might lie in the fact that Romania was, until 1989, a strictly controlled communist society, in which the educated were more likely to be subject to official suspicion and repression. This group within society, the 'enemy within', were more critical of the regime then, and it appears they are also more sceptical of the transition process in Romania which they believe has led to a weak and corrupt judicial system. It would be interesting to see whether this relationship holds in other ex-communist states in Eastern Europe. However, public opinion surveys in countries such as Poland, Czechoslovakia and Russia have not explored this particular relationship, instead focussing on attitudes towards the death penalty (Roberts and Hough, 2002).

***Public opinion and juvenile crime prevention***

When asked to assess the role that sentencing has in preventing crime, almost two thirds of the sample (63.6%) believed that sentencing was one of the major factors in preventing crime. When asked specifically what measure would do most to reduce crime, some interesting results emerged. Prison was not ranked highly as a first option for reducing juvenile crime (2.4%), nor were more police on the beat (0.6%). By far the most common response to this question was better parenting (48.1%), followed by better discipline in schools (33.8%) and more positive leisure opportunities for young people (20.5%). There was also support for greater use of non custodial sentences, such as community service and probation (see Table 2). Similar results from surveys in other countries researching public attitudes towards juvenile crime and sentencing (Roberts and Hough, 2002).

TABLE 2  
*Best Strategies for Juvenile Crime Prevention*

<b>The first most effective juvenile crime prevention measure</b>	<b>%</b>
Improve discipline in the family	48.1
Increase severity of sentencing	14.7
Increase the offer for jobs/opportunities for work	14.7
Improve discipline in schools	8.9
Increase positive leisure opportunities for young people	5.1
Increase use of community sentences like probation	3.8
Increase use of imprisonment	2.4
Increase use of community sentences like community service	1.7
Increase numbers of police officers	0.6
Other measures	-

(Source: Question: Which of these measures would in your view be the most effective in preventing juvenile crime?)

### ***Victims' views about juvenile crime***

Around one third of respondents indicated that they had been the victim of a crime (35.9%), mainly theft (66%). These findings mirror the crime statistics in Romania, where theft is the most common juvenile offence. Results from most public opinion surveys indicate that there is no consistent evidence that experience of victimisation increases punitiveness (Mirrlees-Black et al., 1998). However, findings here indicated that victims of crime were more likely to be punitive (47% of victims compared with 30% non-victims) in relation to sentencing juvenile offenders who had committed violent crimes. Victims of crime also had less confidence in the administration of justice.

These results should not be taken to mean that victims are automatically more punitive in their attitude towards juvenile sentencing than the general public. Like public opinion generally, victims' opinions are inconsistent and sometimes produce contradictory results. Although some findings indicate that victims were more likely to consider that more prison sentences would act as an effective crime prevention measure for juveniles, victims were also more likely to support the use of community service and the provision of positive leisure activities for young people, in the prevention of juvenile delinquency.

### ***Crime, the media and the government – where does the public fit?***

Results are mixed regarding public opinion about media reporting and government policies in response to juvenile delinquency. Just over a third of the sample (38.6%) agreed to some extent with the way media reports juvenile crime. Interestingly, the older people are, the more likely they were to agree or strongly agree with the accuracy of media reporting on juvenile crime. Furthermore, there was a significant level of discontent among the Romanian people regarding the way government tackles juvenile crime, as the highest proportion of respondents either disagreed or strongly disagreed (40.7%) with these government policies.

Given the absence of readily available, reliable official statistics in the field of juvenile delinquency in Romania, the media remains the main channel of information for the public regarding government policies on this subject. Hence the media exerts

an important influence on public knowledge of crime and justice. As others have argued, there seems to be a strong interdependent relationship between the media, public opinion and political decision makers (Kennamer, 1992). The media not only reports policy makers' decisions about crime to the public, it also provides a major source of information to policy makers themselves. Thus policy makers can find out about public opinion through the media (Herbst, 1998; Beckett and Sasson, 2000).

As research in Romania indicates (Haines and Haines, 2001), the media over-reports crime in general and in particular over-emphasizes violent juvenile crime. The fact that just 38% of the sample believed media reporting to be accurate suggests the public is by and large aware of this. However, in the absence of other reliable sources of information, the media remains an important influence on public opinion, which explain why the public tends to think that juvenile crime trends are on the increase and that there is a high degree of violence involved in juvenile crime.

## **Conclusion – Are Romanians' Attitudes That Different?**

Overall, the results of this study are largely consistent with similar public opinion surveys that have appeared over the past two decades in other countries (Hough and Park, 2002). These studies show dissatisfaction with lenient sentencing and lack of confidence in the judiciary, on the one hand, and support for the use of community sentences, ambivalence about the courts' use of custody for some offences/offenders and sentencing preferences that in reality are the same or even more lenient than the actual judicial practice, on the other hand. The findings of this public opinion survey confirm once again that measuring public attitudes in the area of criminal justice is not a straightforward process. Although there are patterns about how the public thinks about crime and sentencing, evidence shows that people often hold prejudiced, inconsistent and variable views.

This study has shown that it would be wrong to characterise the Romanian public as being highly punitive in respect to juvenile crime and sentencing. Although Romanians consider that sentences handed down by the courts are not tough enough, when they are provided with specific examples and questioned in more depth, they think more closely about an issue and their responses change.

In contrast to judicial practice in Romania, there is public support for community-based sentencing alternatives for juvenile offenders, especially those committing minor offences. Moreover, the public do not have a great deal of confidence in the ability of the courts to prevent crime. They believe that preventing juvenile crime is more a question of changing the family and school environment and increasing the chances of gaining employment and providing opportunities for young people to spend their spare time positively, rather than stressing more imprisonment or police on the beat. However, this does not mean the public see no role for sentencing in preventing crime. As results from this survey demonstrate, sentencing was perceived as a major factor in preventing juvenile crime. Interestingly, contrary to common practice in Romanian courts, a large proportion of the public are in favour of individualisation within the sentencing process and restorative justice. A majority support elements of the restorative justice approach, such as reconciliation between victims and juvenile offenders.

Findings reported in this paper and elsewhere indicate that people tend to be punitive towards crime and sentencing issues mainly because, when asked about the adequacy of sentences in general, they have in mind more serious crimes. This is coupled with the mistaken impression that juvenile crime is increasing and the perception that the amount of violent juvenile crime is much greater than it actually is. Some even argue that '... perceptions of leniency are independent of actual sentencing practices. People assume that sentences are lenient, whatever the reality, the same way that they probably assume prices are rising, regardless of the actual rate of inflation' (Mirrlees-Black et al., 1998, p. 44). Moreover, as the media tend to report violent spectacular cases regarding juvenile crime in Romania, public discussion of criminality focuses mostly on serious crimes, which clearly represent only a small minority of juvenile crimes.

The rise in punitive views regarding the justice system in Romania should be viewed in the context of rapid political and social change after the fall of communism, which

led to public unease about rising unemployment and the threat of poverty (Kury et al, 2002). The difficult transition process and political fallibility experienced by Romanians in the last decade have increasingly led to a lack of public confidence<sup>24</sup>, mistrust and scepticism regarding the state generally and the judicial system in particular.

Furthermore, the fact that the relationship between socio-demographic variables and public opinion about crime and sentencing in Romania sometimes diverges from that found in many Western studies may reflect cultural differences or diversity in the understanding of crime and punishment in general. As there are no similar studies of public opinion in Romania, it is impossible at this stage to make comparisons or assess possible changes which occurred in people's views towards crime and punishment in Romania after the fall of the communist regime.

This study reinforces previous findings that the public is misinformed in relation to crime overall and particularly with regard to juvenile crime and sentencing. It is evident that there is a significant discrepancy between what actually happens and what a majority of the public believed happens. As previous research in several countries has indicated (Roberts, 1992), public attitudes to crime and punishment vary according to the degree of knowledge of the criminal justice system; a finding paralleled here. One has to take into account that 'a necessary but not sufficient precondition for public acceptance of community penalties is public knowledge of their existence' (Roberts, 2002, p. 37).

As has been shown above, the misperception about criminal justice issues is fed by media stories about violent crimes in the community and sentencing malpractice. The media is not always explicit about crime trends and the reasoning behind sentencing decisions (Mirrlees-Black et al., 1998). Therefore, in order to increase public confidence in the courts and the administration of justice, policy makers should promote an approach which involves informing people more accurately about crime and the nature of sentencing practices.

It is widely known that 'harsh' penal policies ('penal populism') in many Western countries have been influenced by research findings indicating that there is strong public support for more severe penalties. However, as has been repeatedly argued, these studies are often based on inadequate methodology (Roberts and Hough, 2002). Therefore, if policy makers are to take into account public opinion about crime and sentencing, they will have to make sure that they use information from more recent studies which have made significant advances in the quality of our knowledge in this area. On the other hand, academics and public opinion writers need to further develop the methodology of studies so as to capture better the highly ambivalent nature of public opinion with regards to crime and sentencing issues.

It is hoped that this pilot study will encourage other researchers to take a closer look at public opinion about juvenile crime and its treatment in Romania and that such research will contribute to the improved education of the public in these matters and to the evolution of democratic criminal justice policies which are more informed by people's beliefs.

## Notes

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<sup>1</sup> Not all of these studies are published or readily available to the public.

<sup>2</sup> As Roberts and Hough (2002) note, many decisions in 'reforming' Western criminal justice systems were taken on the basis of unfounded or inaccurate findings of public opinion studies.

<sup>3</sup> There are few studies which explore public opinion about juvenile crime and its treatment and our level of understanding in this area is subsequently quite limited.

<sup>4</sup> Bucharest is the biggest city in Romania, with a population of approximately 2 million residents, comprising the most socially, politically and culturally diverse population in the country.

<sup>5</sup> 45 people of different age, gender and socio-economic background were selected by the researcher from a wide range of personal networks. They were given questionnaires to complete and were instructed about the method of the study, in particular to identify other members of the public, used sequentially as respondents and so on. Each person within this network was given a questionnaire to complete.

<sup>6</sup> The questionnaire was distributed between 1<sup>st</sup> September 2003 and 15<sup>th</sup> November 2003. There were no public holidays or school breaks during this period, hence the possibility for sampling bias was minimised. Additionally, a search of media reporting showed that no significant events related to the subject of juvenile crime and sentencing were covered in this interval of time.

<sup>7</sup> Other reasons behind the choice of non-probability sampling: inefficient and dated register of addresses for people living in Romania; no equivalent of the British Postcode Address File in Romania; electoral register not available to the researcher; the telephone book considered inappropriate because many Romanians did not have a fixed telephone connection.

<sup>8</sup> According to the 2002 Census, the population of Bucharest was approximately 2 million, with almost 2.3 million in the metropolitan area. 53.2% of the population of Bucharest is female. The proportion in the study was slightly higher, at 64%. While the age group 18-63 is proportionally represented (80% of the sample and approximately 65% of the population of Bucharest), there is an under-representation of the group aged 60 years and over (2%, compared with the population of Bucharest, 13.7%). No clear official demographic data regarding the level of education in the capital of Romania were available at the time of conducting the research. If the sample population is compared with the overall population of Romania, however, the study over-represented people with a higher level of education. However, taking into account that Bucharest is the most important centre of education in Romania and the most economically developed city, one would expect to find a greater percentage of people with higher levels of education than in the country overall. So the high percentage of educated people within the sample has reasonable grounds. As for occupation and income, the sample was broadly representative of the population of

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Bucharest. Similarly, the level of unemployment found within the sample population was representative of that of Bucharest (2.1% in the study, 2.8% in Bucharest).

<sup>9</sup> Unless otherwise stated, all results are significant at  $p < 0.05$ .

<sup>10</sup> Statistics indicate severe poverty trends for Romania in the period of transition and it is estimated that 60% of the Romanian population is under the poverty line.

<sup>11</sup> Statistics were obtained from the Romanian Ministry of Justice. It is also important to note that, according to the 2005 Joint Inclusion Memorandum for Romania, compared to other European countries in transition, juvenile crime is substantially lower in Romania.

<sup>12</sup> Romanian criminal statistics for 2002 and 2003 were not available. Thus 2001 statistics obtained from the Romanian Ministry of Justice were used as the basis for comparison.

<sup>13</sup> More recent statistics from 2004 show that overall crime rates in Bucharest are quite low (compared to other European capital cities), with the number of offences decreasing by half between 2000 and 2004. The more common types of crimes include petty crime (mainly in the form of pick-pocketing, most frequently on the city's public transport network) and institutional corruption, rather than violent and organised crime.

<sup>14</sup> A study conducted by Haines and Haines in 2001 has been shown that the media over-represents the phenomenon of juvenile crime in Romania. In particular, it has been argued that the media place a strong emphasis on juvenile violent crime and imprisonment in Romania.

<sup>15</sup> See also the following section discussing public punitiveness in respect to juvenile offenders.

<sup>16</sup> The survey offered respondents a brief description of a criminal case involving a minor, aged 16 who was found guilty of having stolen goods of nominal value.

<sup>17</sup> According to statistics obtained from the Romanian Ministry of Justice, over 50% of young people in prison in Romania were sentenced for theft.

<sup>18</sup> Sentencing aims, as presented in the questionnaire: Retribution: 'To punish the offender'; Rehabilitation: 'To (socially) reintegrate the offender'; Incapacitation: 'To protect the public by locking up the offender'; General Deterrence: 'To deter others from committing crimes'; Individual Deterrence: 'To deter the offender from re-offending'; Victim compensation; Other aims.

<sup>19</sup> Respondents were asked their opinion about what they thought should be the imprisonment rates for juvenile offenders having committed violent crime, theft and burglary. The results were then compared to respondents' estimates of the court's use of custody for these types of offences.

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<sup>20</sup> Recent reforms in Romania promote a new model of sentencing based on the individualisation of penalties, and efforts have been made to develop an institutional system that would provide specific, differentiated approaches to dealing with juvenile offenders. According to the 2005 Joint Inclusion Memorandum for Romania, there is movement towards a new system of alternative sanctions and punishment for juvenile offenders, as well as specialised courts for this category of offenders. Although there are positive developments within the juvenile justice systems in Romania, more needs to be done, particularly to increase the system's capacity to deal with the social reintegration of young people, but this is a different subject that needs to be further explored and researched in Romania

<sup>21</sup> In recent years, restorative justice programmes and policies have been introduced in many industrialised and developing countries. In Romania, the Ministry of Justice has introduced two restorative justice pilot projects, one of which is in Bucharest, but restorative options have not yet been incorporated into the mainstream criminal justice policy.

<sup>22</sup> A résumé of these public opinion studies and their references can be found in the introduction of this article

<sup>23</sup> Using Chi-square tests of significance. All results are significant at  $p < 0.05$ .

<sup>24</sup> In March 2004, the Minister of Justice in Romania was replaced due to a perceived lack of progress in reforming the judiciary



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