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# SEVEN CRIMINAL CASES – COMPARING FINNISH PUNISHMENT POLICIES AND FINNS' PUNISHMENT PREFERENCES

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## ABSTRACT

The purpose of this study was to survey Finns' conceptions of appropriate punishments in seven criminal cases and to compare these survey responses with the prevailing punishment policies for corresponding cases. The population survey was conducted in the form of an interview and it comprised 1,251 respondents. The punishment policies were studied in a separate survey sent to district judges, 192 of whom completed it. The same seven criminal cases were described to the respondents in both groups. The lay respondents were asked to determine a punishment that they deemed to be appropriate, whereas the judges were asked to determine a punishment according to Finnish punishment policies. The cases involved the following acts (the type of offence referred to in the court ruling in the actual case underlying the survey questions is indicated in brackets):

- Violence in a public place (aggravated assault)
- Sexual intercourse with a child (sexual abuse of a child)
- Forced sexual intercourse with someone who was asleep (rape)
- Violence in a close relationship (assault)
- Trafficking and selling cocaine (aggravated narcotics offence)
- Fraudulent avoidance of taxes (aggravated tax fraud)
- Driving under the influence of intoxicants (driving while seriously intoxicated)

As the survey was conducted using the so-called vignette method, only a limited amount of information about the cases could be provided, which posed a challenge, particularly for the professional judges.

The research findings can be summarised as follows:

- In terms of severity, the described cases were ranked in quite a similar order by both the laypeople and the judges. In this respect, the punishment policies and people's "sense of justice" are quite well aligned as regards these cases.
- In terms of the type of punishment, the laypeople (on average) chose a harsher punishment than the professional judges in five out of the seven cases. On the other hand, in the cases involving the trafficking and selling of narcotics, and fraudulent avoidance of taxes, the judges (on average) preferred a more severe punishment than the lay respondents.
- In the population survey, there was quite a lot of dispersion in the choices of type of punishment, so in this respect, the term "general sense of justice" cannot be used, as people's opinions on the appropriate punishment vary greatly. Among the judges, there was less dispersion than among the laypeople.
- In terms of length of sentence, the conditional and unconditional prison sentences determined by the professional judges were longer than those chosen by the laypeople in five out of the seven cases.
- The population survey respondents clearly favoured community service, which is a more severe punishment than conditional imprisonment but an alternative to unconditional imprisonment.

- The judges' responses demonstrated a binary approach to punishment choices: the main options were conditional or unconditional imprisonment.
- When all seven cases were reviewed by average scores, unconditional prison sentences were equally common among the laypeople and the professional judges.
- Among the lay respondents who chose unconditional imprisonment, one in five was ready to consider community service or a joint sentence as an alternative, and more than one-third were ready to consider substance abuse treatment instead of imprisonment.
- The population survey respondents found preventive measures to be clearly more efficient in crime prevention than tighter control or the construction of new prisons. The most popular form of crime prevention by far was more efficient youth work and addressing domestic issues.

## 1 INTRODUCTION

Every now and then, Finnish control policies are subjected to public criticism, mainly concerning punishment policies that are considered to be too mild. Lately, public discussion has centred on sentences given for sexual offences and assault offences, which have been deemed to be too light. Criminal law experts have also participated in this discussion (see e.g. Kunnas 2010; Ranta 2015, Forsberg 2015). It has been stated that such a public discussion indicates misalignment between the citizens' sense of justice and the punishment policies applied by courts, which could lead to decreased trust in the justice system (Balvig et al. 2015, 343–344; Jerre 2013; Olausson 2014; Ryberg & Roberts 2014, 1–13). Nonetheless, Finland remains one of the leading countries in Europe with regard to citizens' trust in the justice system (Jackson et al. 2014).

The critical discussion on the punishments for assault and sexual offences was even reflected in the Government Programme prepared under the lead of Prime Minister Juha Sipilä in spring 2015. One of the goals stated in this programme is ensuring that "the punishments imposed for offences will be commensurate with the reprehensible nature of the acts" (Finland..., 39–40). In autumn 2015, the Finnish Minister of Justice commissioned a survey on Finns' sense of justice in order to gauge whether the citizens' sense of justice complies with the prevailing legal practice. This survey was initiated in early 2016, and this report introduces its essential findings.

The public's conceptions of appropriate punishments can be studied by means of questionnaire or interview surveys. Such studies can feature different approaches (Jerre 2013; Balvig et al. 2015). For example, the study can focus on the public's general opinions concerning the right or desirable level of punishment severity. Results of questionnaire or interview surveys featuring such an approach indicate that people favour relatively harsh punishments or suggest that tougher sentences should be given. Earlier research has provided us with quite a good impression of this dimension of people's sense of justice. For example, it has been found that three out of four Finns think that "offenders should be given much harder sentences than they

currently are" (Kääriäinen 2016). However, this is a global phenomenon and not confined to Finland; in most countries, when asked in such a general manner, the population would prefer harsher punishments (see e.g. Balvig et al. 2015).

Survey questions/statements such as the one mentioned above mainly measure people's attitudes towards punishment. These punishment preferences vary, which makes them an interesting object of research. However, nearly all respondents agree that offences should lead to punishment, and more severe punishments are maybe the first thing that comes to mind when people are asked about ways of tackling crime. People's impressions of crime are largely based on the information provided by the media, which mainly cover major crimes, even though the majority of offences are quite trivial, such as traffic violations or minor property offences. Abstract survey questions obscure the vast range of actual crimes, as well as the existence of alternative consequences. Should harsher punishments be applied to all offences, or to certain offence types only? What does "harsher punishment" mean? Should more people be locked up in prisons, or should new, harsher alternatives to imprisonment be considered? Should the efficiency and cost of criminal sanctions be taken into account? Or would it be better to invest in crime prevention instead of harsher punishments?

In population surveys, respondents can be provided with information about offences and their consequences. Instead of surveying their general willingness to punish offenders, respondents can be presented with a concrete criminal case and asked to choose what they consider to be the most suitable punishment option. In this way, the lay respondents are closer to the situation in which professional judges determine their sentences. Naturally, the amount of information is nevertheless much smaller than in genuine sentencing situations. In population surveys, it is impossible to provide all the details of complex criminal cases that are available to and also required by judges in court. Yet regardless of the limitations, the results of such surveys have indicated that the provision of information about the offence and possible sanctions attenuates punitive attitudes and reduces the gap between laypeople's decisions and the prevailing punishment policies (see e.g. Balvig et al. 2015).

This survey was conducted using the latter of the two population survey methods described above. Descriptions of certain criminal cases were drawn up for the survey, and the sampled Finnish respondents were asked to choose the punishment which, in their opinion, was the most appropriate in each case from a predefined set of options. The same case descriptions were also presented to professional judges, who were asked to determine a punishment according to the Finnish legal practice.

## 2 IMPLEMENTATION OF THE STUDY

### 2.1 Vignettes

As stated above, the purpose of the study was to review the punishment policies concerning selected criminal cases by means of conducting a survey among judges, and to compare the responses with the punishment choices made by laypeople in an interview survey. Surveys of this type cannot feature a large number of criminal cases because it would be difficult to conduct the population interviews in a controlled manner with more extensive material, as the interview situations can easily become too difficult and demanding for the respondent. The research steering group<sup>1</sup> concluded that a maximum of seven criminal cases could be addressed in the interviews.

Naturally, the selection of criminal cases to be addressed in the study also posed a challenge. The selected cases had to reflect contemporary public discussion on the reprehensible nature of various offences and possible problems in sentencing policies. After various discussions, the research steering group came to the conclusion that the featured criminal cases should involve violence in public places and in close relationships, as well as sexual abuse. In addition, it was decided that an aggravated narcotics offence, economic offence, and a case of driving while intoxicated would also be included. Consequently, the criminal cases created for the population interviews and judge surveys featured the following acts:

- Violence in a public place (aggravated assault)
- Sexual intercourse with a child (sexual abuse of a child)
- Forced sexual intercourse with someone who was asleep (rape)
- Violence in a close relationship (assault)
- Trafficking and selling narcotics (aggravated narcotics offence)
- Fraudulent avoidance of taxes (aggravated tax fraud)
- Driving under the influence of intoxicants (driving while seriously intoxicated)

The content of the case descriptions (vignettes) posed the third problem. The starting point was that the vignettes used in the survey would be based on actual criminal cases. This gave rise to the issue of choosing cases that typically represented the selected phenomena, such as violence in a public place, bearing in mind that the spectrum of criminal behaviour is enormous; no two cases are exactly alike.

The *Register of crimes and sanctions* maintained by the Institute of Criminology and Legal Policy (University of Helsinki) was chosen as the material source, and a few dozen cases linked to each of the above-listed types of offence, most of them from 2012, were picked at random from the register. The district court rulings chosen from the database were read and compared with statistical and research data available about different types of offence in order to find the most typical representatives of each type of offence and these were taken as the basis of the vignettes. The final

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<sup>1</sup> The research steering group comprised Director General Arto Kujala (Chair), Counsellor of Legislation Lena Andersson, Deputy Head of Department Aarne Kinnunen, Professor Janne Kivivuori, Project Coordinator Laura Kuitunen (Secretary), Post-doctoral Researcher Juha Kääriäinen, Professor Tapio Lappi-Seppälä, and Ministerial Adviser Venla Salmi.

vignette texts were then jointly written by the researcher and project coordinators.<sup>2</sup> The vignette texts do not include any legal terminology that could have given rise to leading questions. For example, the names given to types of offences as outlined in the Finnish Penal Code were not used because they may have pointed towards the sanction scales provided in the Penal Code. Moreover, certain details describing the circumstances related to the case had to be made up when writing the vignette texts because such information is scarce in the court materials. Much background information was invented particularly for the case of driving while intoxicated. Naturally, all names and places mentioned in the vignettes were fictionalised.

The vignettes had to be relatively short to make sure that the survey and interview would not be too heavy for the respondents. Therefore, they do not contain as much information as actual court materials. This aroused some criticism towards the survey, especially among the professional judges, many of whom felt that they could not comment on the cases based on the information that was provided.

## 2.2 Implementation of the survey among professional judges<sup>3</sup>

The survey was conducted online using the Unipark application. The names of the chief judges of district courts (*lagman*) and information on the number of judges in each district court were obtained from the Ministry of Justice. The survey invitation was sent on 13 May 2016 to the district court registry offices and secretariats, as well as to chief district judges, with a request to forward it to all district judges. The cover letter described the goals of the survey and explained the implementation method: the judges were asked to determine a punishment in the vignette cases according to the prevailing legal practice. Trainee district judges were excluded from the respondent base. A reminder was sent by email after two weeks (30 May 2016), and the survey period was extended until 17 June 2016. The survey was available in Finnish and Swedish.

According to the data obtained from the Ministry of Justice, there were 496 district judges and chief district judges in Finland at the time of conducting the survey. A total of 192 acceptable survey responses were submitted, which adds up to a response rate of 38.7 %. Feedback received during the survey indicated that some judges felt unable to answer the survey questions because there was not enough information about the cases. Some declined to respond because they were mainly focused on civil law at the time and did not feel that they had sufficient knowledge about the prevailing punishment policies.

The judge survey form contained the vignettes and the related questions, as well as background questions concerning the respondent's seniority and gender. At the beginning of the form, the following introduction was provided:

"Dear respondent,  
The Institute of Criminology and Legal Policy (University of Helsinki) is conducting a study on Finns' sense of justice. This study is commissioned by the Finnish Ministry of Justice. The purpose is to study whether the Finnish punishment policies

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<sup>2</sup> The Project Coordinators were Laura Kuitunen (Master of Social Sciences) and Ville E. Saarinen (LL. M., MA).

<sup>3</sup> Laura Kuitunen was responsible for the practical administration of the survey among the judges.



are in line with the population's conceptions of a fair and just punishment for various types of offence. The study comprises two separate datasets: First, interviews will be conducted with a representative sample of the population. These interviews consist of descriptions of seven different criminal cases, for which the respondent is asked to choose the most appropriate punishment from a set of given options. In addition, the population interviews contain questions addressing the respondents' opinions on the functionality of Finnish courts and the sanctions available within the framework of criminal policies. The second dataset is based on a survey conducted among professional judges. This survey is addressed to all district judges. It contains the same criminal cases as the population survey, and judges are asked to determine a punishment according to the prevailing punishment policies. The invitation to participate in this survey has been sent to all district courts in continental Finland. We kindly ask you to respond to this survey so that we can have a reliable, correct impression of Finnish punishment policies regarding these selected cases."

This was followed by instructions (formulated in the same way as in the population interview):

"Next, we will describe the criminal cases and ask you to determine the appropriate punishment by choosing one of the given options or a combination of them. The described cases are based on actual criminal cases but the names of people and companies have been changed. The starting point is that the described acts have been proven to have taken place, so you do not have to address the guilt of the perpetrator; you are only asked to determine the punishment that you deem appropriate for each offence."

After this, the vignettes were presented. Each vignette was followed by the question:

"Which punishment would you give to N [the name of the perpetrator featured in the vignette]? You can choose one or several options."

The vignettes were exactly the same in the judge and population surveys, and the punishment options were also identical in both forms.

## 2.3 Implementation of the population survey

The population survey was conducted in the form of computer-aided face-to-face interviews in Finnish or Swedish.<sup>4</sup> The interviewer had a tablet device, from which the answer options were usually shown to the respondent. A total of 38 interviewers participated in the field work. The goal was to complete 1,250 interviews. The respondents were chosen using the quota sampling method based on representativeness in terms of place of residence, age, and gender. A total of 1,254 interviews were conducted, but three of the respondents were younger than 18 so their interviews were discounted. A total of 5,841 homes were visited. Consequently, the response rate was 21.4 %, which is low yet typical of the quota sampling method. The majority of the missed respondents (2,512 people) were missed because the sampled person was not reached or did not belong to the target group. A total of 1,971 people declined to respond. Weight coefficients were calculated for the analysis in order to further

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<sup>4</sup> The population survey was implemented by TNS Gallup Oy.

adjust the respondents' distribution in terms of region, age, gender, and political views. A detailed description of the population interview sampling and other aspects of the fieldwork prepared by TNS Gallup are provided in Appendix 1.

In order to detect any distortions in the sample, the respondents' level of education was also reviewed. According to the educational structure statistics compiled by Statistics Finland, in 2014 (the latest year for which data is available) the proportion of Finns aged 15 or older with at least a lower university degree was 29.7 %. In this survey, one of the background questions referred to the highest level of education completed by the respondent, and it revealed that 30.1 % had completed at least a bachelor-level degree. This tells us that with regard to educational structure, the weighted sample is well aligned with the population.

The interview form was planned at the Institute of Criminology and Legal Policy, and feedback was requested from experts before it was finalised.<sup>5</sup> There are some references to the questions contained in the form in the appendices to this report.

The interview form used in the population survey was divided into three parts. Part A surveyed the respondent's opinions on such matters as crime, control policies, courts, and judges. Part B contained the vignettes with requests to choose the appropriate punishment. Part C was for collecting background information about the respondent and his/her household, as well as the respondent's personal values.

At the beginning of part B, the following introduction was given by the interviewer:

"Next, we are going to ask which punishment you would give in seven different criminal cases. Before moving on to these cases, we will briefly tell you about the sanctions that can be imposed by courts in Finland. We will list the sanctions from the lightest to the hardest."

After this, the form contained instructions for the interviewer:

"Card B0. The interviewer gives the card and reads the contents to the respondent. The punishment options must be read carefully and slowly and also given in written form (on the card) for the respondent to see. The respondent must have an opportunity to check the meaning of each punishment from the card during the interview."

The contents of this card are provided in Appendix 2.

After this phase, the interviewer said:

"Next, we will describe the criminal cases and ask you to determine the appropriate punishment by choosing one of the options we just explained to you or a combination of them. The described cases are based on actual criminal cases but the names of people and companies have been changed. The starting point is that the described acts have been proven to have taken place, so you do not have to address the guilt of the perpetrator; you are only asked to determine the punishment that you deem appropriate for each offence."

Next, the interviewer read the first vignette to the respondent and asked:

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<sup>5</sup> The complete interview form can be obtained from the Institute of Criminology and Legal Policy (University of Helsinki), and subsequently from the Finnish Social Science Data Archive (University of Tampere) upon request.

"Which punishment would you give N [the name of the perpetrator featured in the vignette]? You can choose one or several options."

The options were shown to the respondent on the interviewer's tablet and also on a separate card. The available punishment options varied slightly depending on whether the vignette case involved crimes against persons, in which case compensation and settlement were also addressed. In the case of driving while intoxicated, a driving ban was also an option.

All seven cases were addressed in the same way in the order in which they are listed in this report.

Two slightly different forms were used in the population interview. The forms differed with regard to one question in part A, measuring the respondent's background knowledge about crime and criminal sanctions. In the basic form, which was completed by 969 respondents, the interviewer moved onto the next question immediately after this question. In the alternative form, which was completed by 282 respondents, the respondent was told the correct answers and provided with further information about these background knowledge questions. This information was given in the form of cards, which were read out to the respondents and also given to them to read themselves. After this, the interview continued as described above. The purpose of this arrangement was to test whether the provision of additional information correlated with the punishment preferences. However, it was detected that the impact of additional information on the punishment choices was very low. Therefore, the analysis of results provided in this report is based on the entire material (N=1,251). The significance of additional information and certain demographic background factors is analysed in Appendix 3.

## 2.4 Processing and analysis of data

For the purposes of this report, the data is mainly analysed using descriptive methods, and the main focus is on comparing the responses of the surveyed laypeople and professional judges.

As explained above, both the judges and lay respondents were asked to choose one or several options from a set of predefined punishments. Therefore, it was necessary to calculate the punishment type selection variables for both datasets in a consistent manner so that each selection could be placed in one of the following categories:

1. No sentence
2. Only a fine, no other punishment
3. Only conditional imprisonment, no other punishment
4. Conditional imprisonment plus a fine, no other punishment
5. Community service; if community service was chosen in conjunction with conditional or unconditional imprisonment, this was counted as community service
6. Monitoring sentence; if a monitoring sentence was chosen in conjunction with conditional or unconditional imprisonment, this was counted as a monitoring

sentence. If both a monitoring sentence and community service were chosen, this was counted as a monitoring sentence.

7. Only unconditional imprisonment or unconditional imprisonment plus a fine

Data concerning the duration of prison sentences was calculated for all responses where imprisonment was chosen.

Responses that did not fit into any of the above-listed categories due to their illogical nature (for example, "no sentence" was chosen along with a punishment) were labelled as missing data. The same applied to cases where both unconditional and conditional imprisonment were chosen. However, the main reason for missing data was the fact that the respondent had not chosen any of the given options.

When it came to the judges, 192 submissions were received that contained a response to at least one case, and a total of 164 submissions in which all seven cases were responded to. The higher number is considered to be the number of acceptable responses. In the population survey, 1,251 acceptable interviews were completed.

The proportion of missing data (%) in all acceptable responses varied from case to case, as indicated in Table 1.

**Table 1** Proportion (%) of missing data in all acceptable responses in the survey among judges and in the population interviews

	Survey among judges	Population interview		
	total	Male	Female	Total
Vviolence in a public place	3.6	3.2	3.6	2.9
Sexual intercourse with a child	4.7	6.7	10.9	8.8
Forced sexual intercourse with someone who was asleep	10.4	5.1	5.1	5.1
Violence in a close relationship	9.4	13	17.6	15.3
Trafficking and selling of narcotics	11.5	1.4	1.7	1.6
Fraudulent avoidance of taxes	17.2	0.9	2.6	2.1
Driving under the influence of intoxicants	13.5	1.3	2.8	2.1

As mentioned above, the scarcity of background information provided in the vignettes probably influenced the response rate among judges. For example, the description of the fraudulent tax avoidance case had to be very simple in order to make sure that lay respondents were able to respond to this case. This, quite likely, increased the amount of missing data among judges. In the population interview material, the cases involving violence in a close relationship and sexual intercourse with a child stand out: some respondents may have found these cases to be of such a minor nature that they did not want to give any response to them. Among the laypeople, women were slightly less confident in expressing their preferences than men. As for the judges, many respondents did not indicate their gender, and therefore this aspect of the response rates could not be analysed.

This report, as mentioned above, focuses on comparing the responses of laypeople and judges case by case. This was generally done by comparing percentage

figures; for example, how big a proportion of the respondents would impose an unconditional prison sentence in a given case. No separate statistical tests have been performed. The survey among judges was a complete enumeration, which is why it is not beneficial to calculate confidence intervals. In the population survey, the sample size is 1,251, which means that the 95-percent margin of error for 50 % calculated from the sample is about  $\pm 2.8$  percentage points, and for 20 % about  $\pm 2.2$  percentage points (see Appendix 4). When comparing average values, it is separately indicated if the detected differences are not statistically significant at the 95-percent confidence level.

A summary of the comparison of the lay respondents' and judges' survey responses is provided at the end of Chapter 4 of this report. At the end of the entire report, a short description is provided on the lay respondents' opinions on the punishment goals, methods of crime prevention, judges, and other matters closely related to this topic.

### 3 PUNISHMENT POLICIES AND LAY RESPONDENTS' PUNISHMENT PREFERENCES

#### 3.1 Violence in a public place

The first case described in the surveys concerned violence in a public place. The case description and related question were formulated as follows:

*Case Roope*

*Mikko had been sitting in a bar for quite some time, playing the slot machines and drinking a couple of beers. When he left the bar, Mikko passed a group of men sitting at a table. Loud enough for the men to hear, Mikko said: "Bald guys don't go to heaven."*

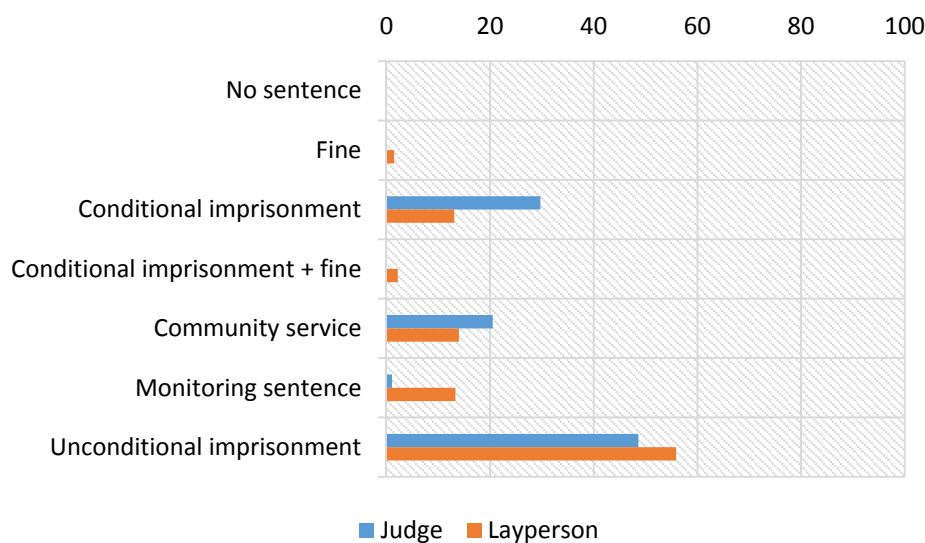
*The men got up. There was a verbal altercation, after which they all went outside and continued quarrelling, with some wrestling also involved. The restaurant owner saw the situation and separated Mikko and Roope, who were wrestling. The restaurant owner asked Mikko to go home and escorted Roope back into the bar.*

*When Mikko started walking home, Roope followed him and stabbed him with a Leatherman knife in the abdomen in the left costal arch and in the left hamstring. The attack resulted in a 10-cm-long surface wound to the abdomen and a 6-cm-deep wound to the hamstring.*

*Roope has a prior conviction from 2010 for an assault committed earlier that year; the sanction for that was 60 days of conditional imprisonment, the probation period for which had ended before this act.*

*Which punishment would you give to Roope? You can choose one or several options.*

The distribution of sentences per type of sanction in both datasets is illustrated in Figure 1.



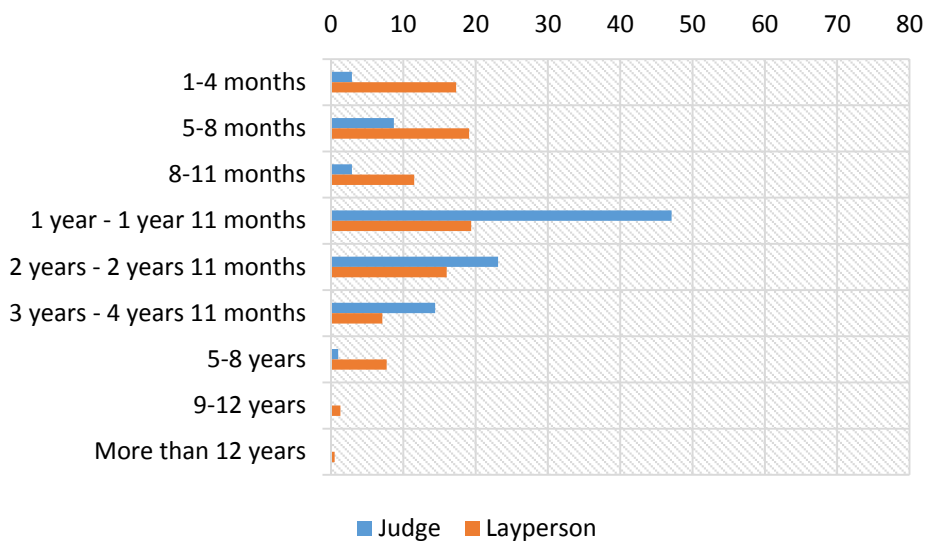
**Figure 1** Distribution of sentences per type of sanction (%) in the street violence case among judges (N=185) and among laypeople (N=1,208)

An unconditional prison sentence was chosen by 56 per cent of the lay respondents and 49 per cent of the judges. The average severity of the sentence (on a scale of 1–7, where 1 = no sentence and 7 = unconditional imprisonment) was 5.4 among the judges and 5.9 among the laypeople. The standard deviation of these scores was 1.74 among judges and 1.48 among laypeople. The great dispersion in the judges' responses is probably explained by the fact that some of them saw the act as attempted manslaughter, whereas others considered it to be aggravated assault. Based on the feedback received from the judges, some found that the information provided in the vignette was insufficient to determine which type of offence had occurred. Another noteworthy observation is the fact that judges chose conditional sentences much more often than lay respondents. On the other hand, laypeople chose a monitoring sentence significantly more often than judges.

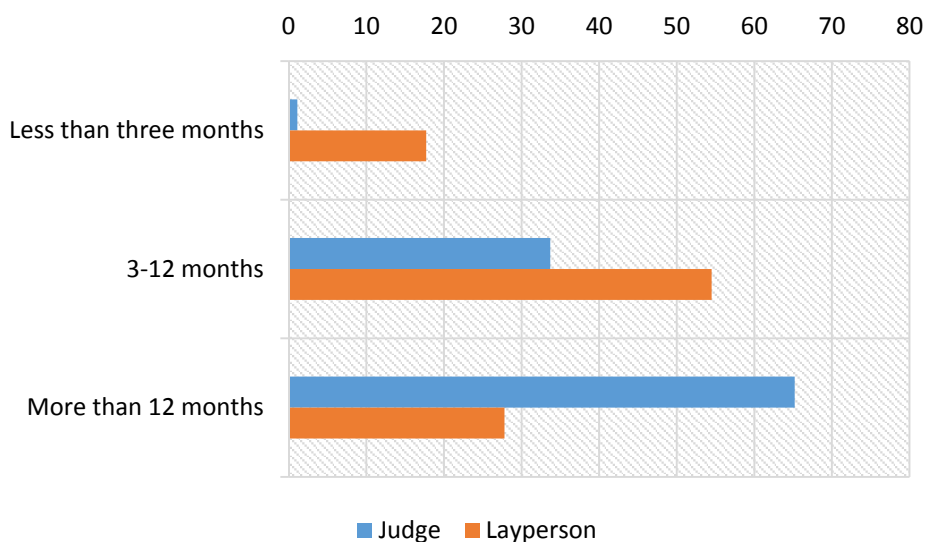
The most typical punishment chosen by both judges and laypeople was unconditional imprisonment. Figure 2 below illustrates the length of prison sentence suggested by representatives in both surveys. We can see that, on average, the judges suggested longer sentences than the lay respondents. Furthermore, we can see that there was clearly less dispersion in the judges' responses than in those of the laypeople. The average sentence length (on a scale of 1–9) was 4.3 among the judges and 3.6 among the lay respondents. The standard deviation of these scores was 1.21 among judges and 1.94 among laypeople.<sup>6</sup>

With regard to conditional imprisonment, it was also observed that, on average, judges chose longer sentences than laypeople (see Figure 3). The average sentence length (on a scale of 1–3) was 2.64 among judges and 2.10 among laypeople. The deviation of these scores was 0.51 among judges and 0.67 among lay respondents.

<sup>6</sup> It should be noted that lay respondents may not necessarily know that offenders sentenced to unconditional prison terms are usually released on probation before the end of their sentence.



**Figure 2** Distribution of unconditional prison sentences (%) in the street violence case among judges (N=104) and among laypeople (N=736)



**Figure 3** Distribution of conditional prison sentences (%) in the street violence case among judges (N=89) and among laypeople (N=291)

### 3.2 Sexual intercourse with a child

The second vignette described a case involving sexual intercourse with a child. The case description and related question were formulated as follows:

*Case Toni*

*Mirjami, 14, is in the eighth grade at comprehensive school and Toni, 22, is a restaurant worker. They met on an online dating site, where Toni had responded to Mirjami's ad. Both parties had indicated their actual age in their profiles. First, Toni and Mirjami chatted over the Internet a couple of times. Later, they started communicating by SMS. Quite soon, the messages became sexually charged. Toni was the active party in this.*

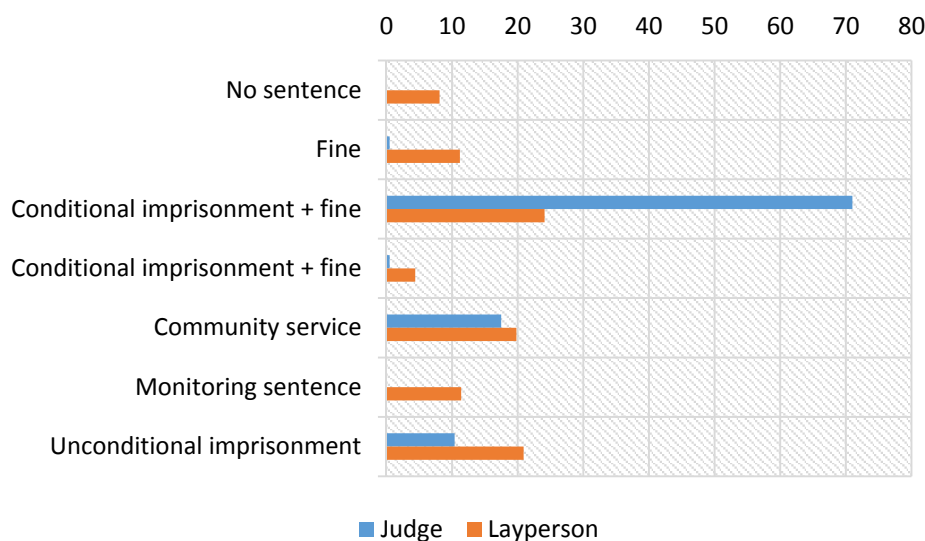
After a while, Toni suggested a meeting in a coffee shop they both knew. After the coffee shop, they went to Toni's apartment to listen to music. During this meeting, their interaction was limited to kissing and touching over clothing. Toni suggested intercourse, but Mirjami refused.

Toni suggested meeting in his apartment again the following week. They subsequently met in his apartment three times and had sex each time. After the three meetings, Mirjami started having regrets. She told Toni that she didn't want to see him again. This was the end of all contact between them. Mirjami told the school nurse about the events, and the school nurse filed an offence report.

Toni has no prior criminal record.

Which punishment would you give to Toni? You can choose one or several options.

The distribution of sentences per type of sanction in both datasets is illustrated in Figure 4.

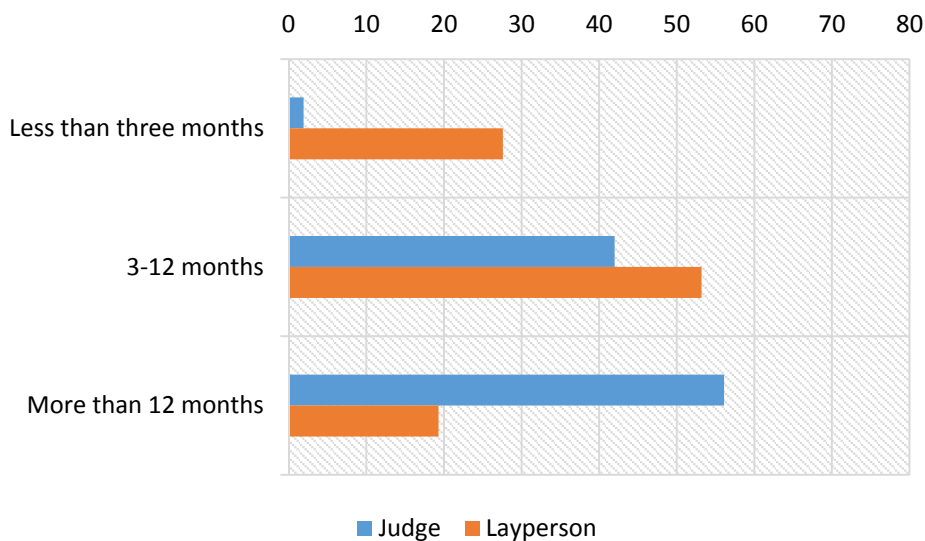


**Figure 4** Distribution of sentences per type of sanction (%) among judges (N=183) and laypeople (N = 1,141) in the case involving sexual intercourse with a child

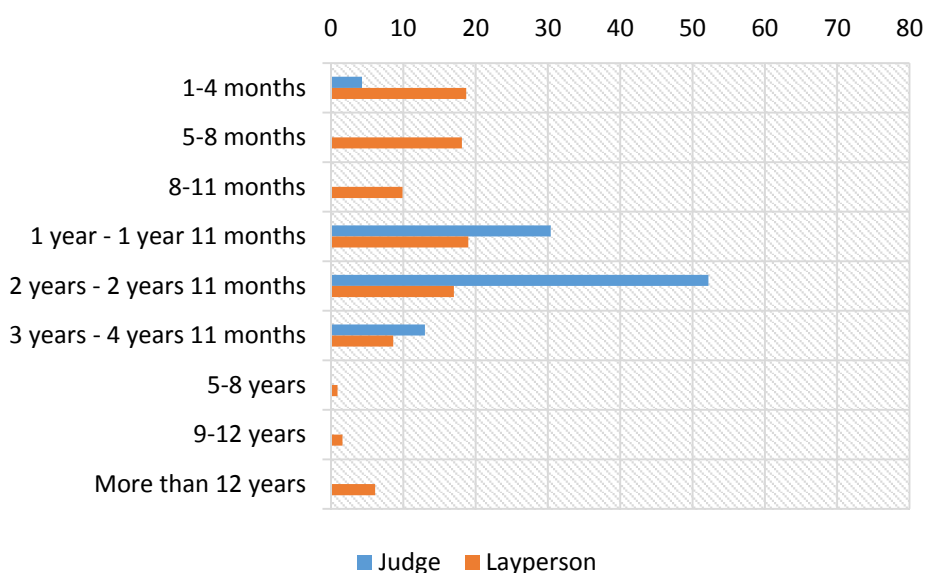
The most typical punishment chosen by both judges and laypeople was conditional imprisonment. The average severity of the sentence (on a scale of 1–7) was 3.8 among judges and 4.3 among lay respondents. However, there was much more dispersion among laypeople than among judges: conditional imprisonment was clearly the most popular type of sanction chosen by judges, whereas laypeople also chose punishments that were lighter than conditional imprisonment, as well as punishments that were harder. The standard deviation of these scores was 1.34 among judges and 1.96 among laypeople.

Figures 5 and 6 illustrate the length of conditional and unconditional prison sentences chosen by both respondent groups. We can see that the judges imposed longer conditional and unconditional prison terms than laypeople. We can also see from the Figures that there was much more dispersion in the length of both conditional and unconditional sentences among laypeople than among judges.





**Figure 5** Distribution of conditional prison sentences (%) among judges (N=162) and laypeople (N = 458) in the case involving sexual intercourse with a child



**Figure 6** Distribution of unconditional prison sentences (%) among judges (N=23) and laypeople (N = 285) in the case involving sexual intercourse with a child

### 3.3 Forced sexual intercourse with someone who was asleep

The third case involved forced sexual intercourse with someone who was asleep. The case description and related question were formulated as follows:

*Case Jarkko*

*Johanna had spent the evening in a bar with her female friend, during which time she had consumed a lot of alcohol. She met a guy called Jarkko in the bar, who joined the girls. Johanna and Jarkko had several drinks together and kissed. During the evening, Jarkko drank more than Johanna. All three went to Johanna's friend's apartment together by taxi after 4 a.m. In the apartment, Johanna fell*

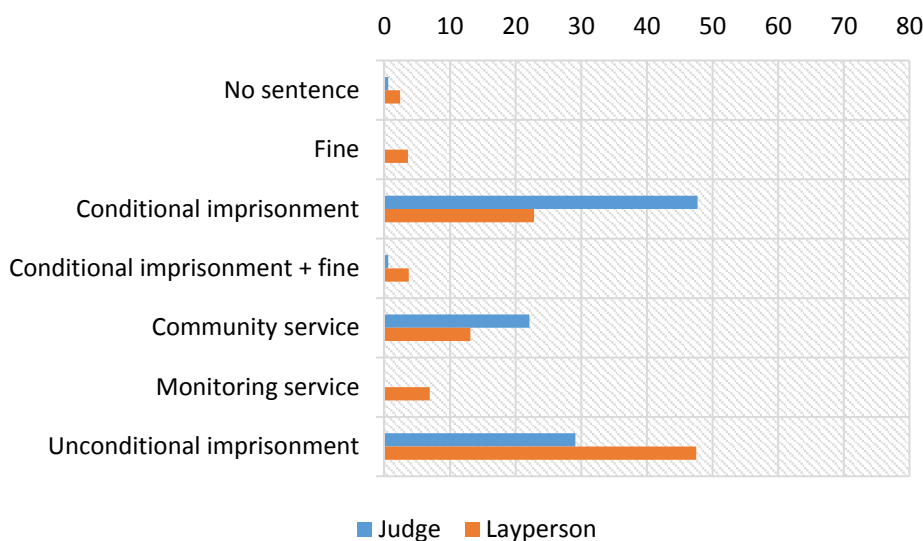
asleep or passed out on a mattress on the floor. Jarkko was lying next to her. At that time, Johanna was wearing briefs, trousers, a top and a sweater.

Later in the morning, Jarkko took off his pants as well as Johanna's underwear and initiated sexual intercourse with Johanna. Johanna woke up during the intercourse and told Jarkko to stop, but Jarkko held her down by her hands, even though she tried to resist, and continued to have sex with her.

Jarkko has no prior criminal record.

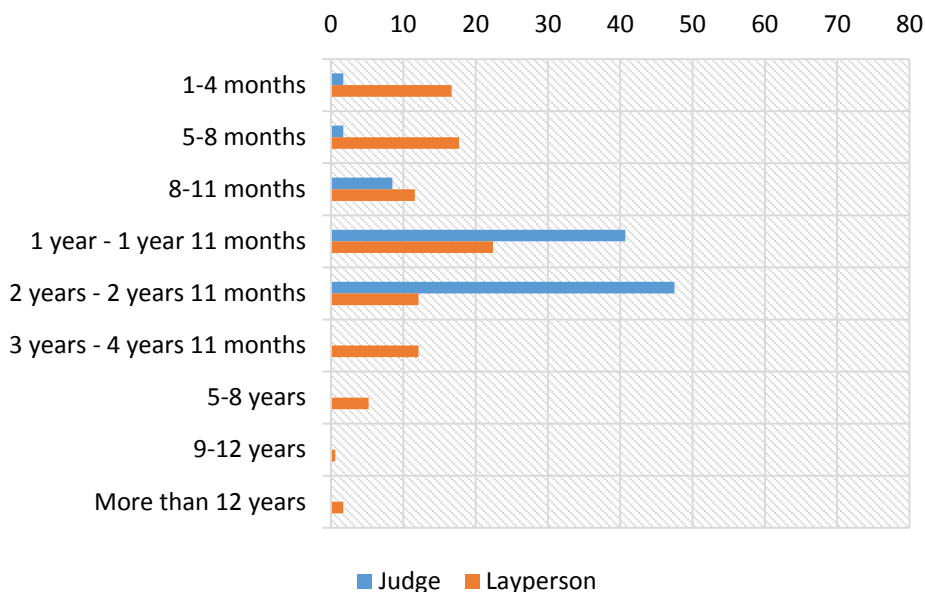
Which punishment would you give to Jarkko? You can choose one or several options.

The distribution of sentences per type of sanction in both datasets is illustrated in Figure 7.



**Figure 7** Distribution of sentences per type of sanction (%) among judges (N=172) and laypeople (N=1,187) in the case involving forced sexual intercourse with someone who was asleep

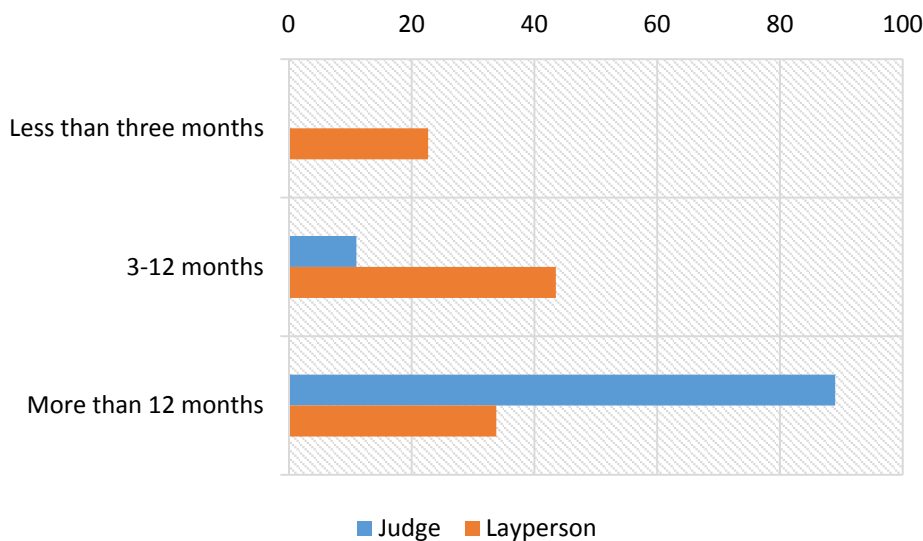
Among the judges, conditional imprisonment was a typical sanction: nearly 50 % of the respondents chose it. As for the lay respondents, unconditional imprisonment was the most typical punishment, also chosen by nearly 50 %. The average severity of the sentence (on a scale of 1–7) was 4.6 among judges and 5.3 among laypeople. However, there seems to be quite a lot of dispersion in both respondent groups: nearly one-third of the judges chose unconditional imprisonment and, on the other hand, more than one-fifth of the laypeople chose a conditional prison sentence. Hence, the average deviation in both datasets is rather high: 1.74 among judges and 1.88 among laypeople.



**Figure 8** Distribution of unconditional prison sentences (%) among judges (N=59) and laypeople (N=620) in the case involving forced sexual intercourse with someone who was asleep

In terms of sentence length, the judges, on average, chose harsher punishments than the laypeople (see Figure 8). The average length of unconditional imprisonment (on a scale of 1–9) was 4.3 among judges and 3.7 among laypeople. The standard deviation of these scores was 0.84 among judges and 1.95 among lay respondents.

The lengths of conditional prison sentences are illustrated in Figure 9. The majority of judges who chose a conditional sentence determined the length of the sentence to be over 12 months. The typical sentence length suggested by laypeople was 3–12 months, but there was clearly more dispersion in the sentence lengths among the lay respondents than among the judges.



**Figure 9** Distribution of conditional prison sentences (%) among judges (N=127) and laypeople (N = 421) in the case involving forced sexual intercourse with someone who was asleep

### 3.4 Violence in a close relationship

The fourth vignette involved violence in a close relationship. The case description and related question were formulated as follows:

#### *Case Antti*

*Taru and Antti had been together for a couple of months. They lived in Taru's rental apartment. Antti's official place of residence was his parents' apartment in another town. Taru studied at college and Antti worked as a builder's mate for a small construction company. They both consumed quite a lot of alcohol in their free time.*

*One day, Taru was spending time with her female friend, drinking alcohol. She told her friend about her worries, particularly about her relationship with Antti, which was not what she had hoped it would be. There had been all kinds of quarrels, and Taru was thinking about ending the relationship. The friend advised her to tell Antti about this as soon as possible.*

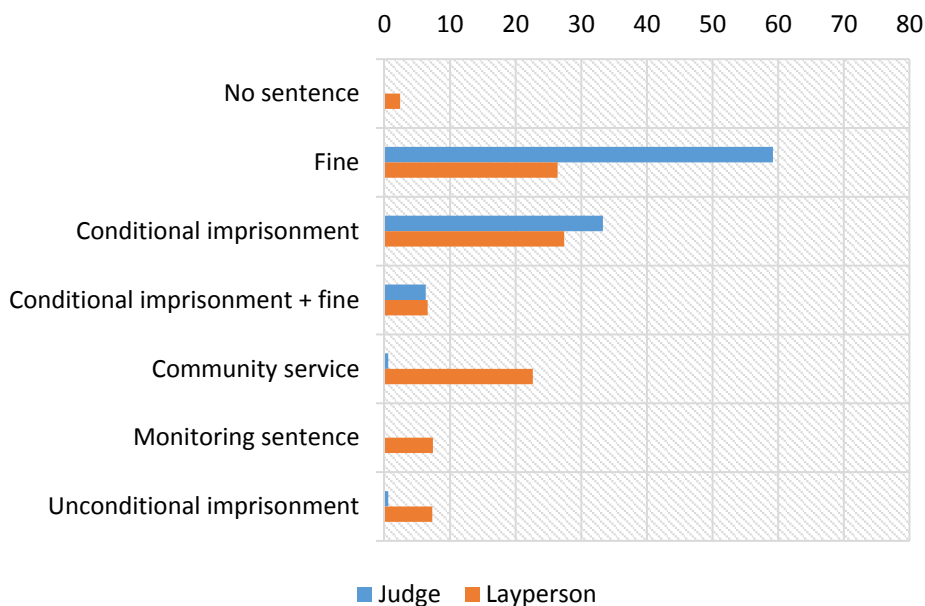
*When Taru returned home that evening, Antti was already there. Taru told him that he should pack his belongings, return her keys, and leave immediately. This escalated into a heated argument. Taru started packing Antti's things and demanded her keys back. Finally, Antti hit Taru in the face twice. Taru fell to the floor after the second blow. After this, Antti left the apartment and stayed the night at his friend's place.*

*Taru called several friends and told them what had happened. One of them was very concerned about Taru and called the police. During the medical examination that ensued, it was stated that Taru had sustained a black eye and mental distress.*

*Antti has no prior criminal record.*

*Which punishment would you give to Antti? You can choose one or several options.*

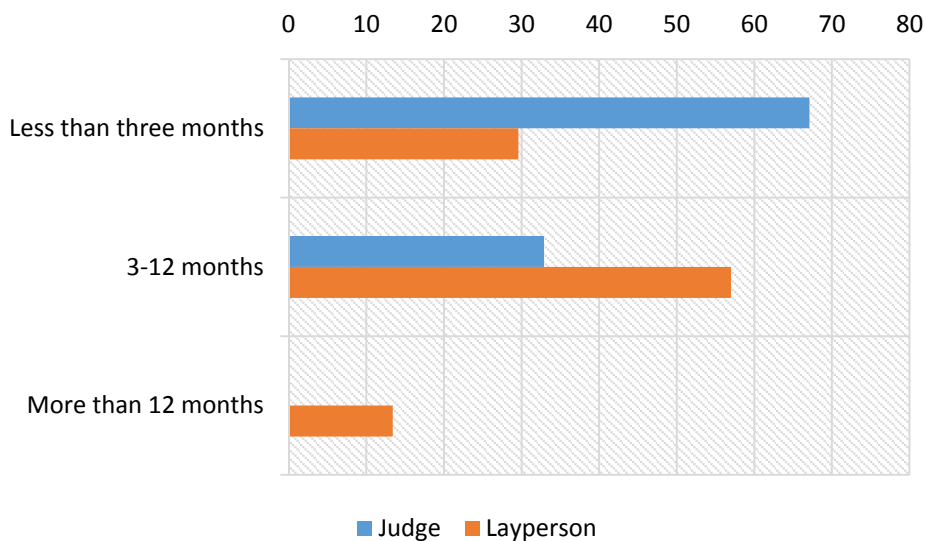
The distribution of sentences per type of sanction in both datasets is illustrated in Figure 10.



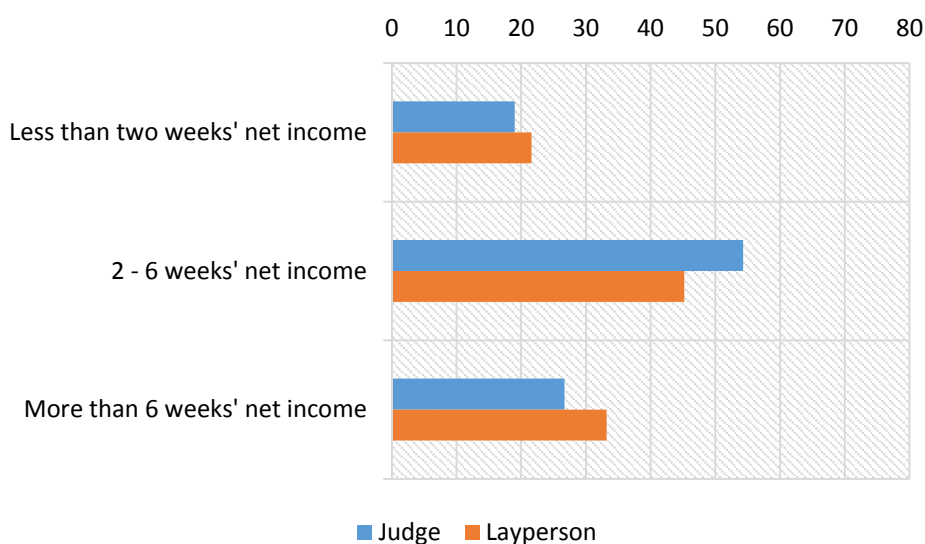
**Figure 10** Distribution of sentences per type of sanction (%) among judges (N=174) and laypeople (N = 1,060) in the case involving violence in a close relationship

The most typical sanctions in both groups were a fine and conditional imprisonment. Among judges, a fine was clearly the most common sanction, chosen by about 60 per cent of the respondents, whereas one-third would have imposed a conditional prison sentence. In the population survey, a fine, conditional imprisonment and community service were almost equally popular punishment options. The average severity of the sentence (on a scale of 1–7) was 2.5 among judges and 3.7 among laypeople. There is quite a lot of dispersion in the population survey responses: the standard deviation in sentences is 1.63, whereas the corresponding figure for the judges is only 0.73.

The typical length of conditional imprisonment was less than three months among judges and 3–12 months among laypeople (see Figure 11). Among the lay respondents, there was more variation in the sentence length than among the judges. In both groups, the typical fine amounted to 0.5–1.5 months' net income (see Figure 12).



**Figure 11** Length of conditional imprisonment (%) among judges (N=70) and laypeople (N = 472) in the case involving violence in a close relationship



**Figure 12** Total fine (%) among judges (N=116) and laypeople (N=449) in the case involving violence in a close relationship

### 3.5 Trafficking and selling cocaine

The fifth case involved the trafficking and selling of cocaine. The case description and related question were formulated as follows:

*Case Kristian*

*Kristian is 25 years old, unemployed and a heavy drug-user, including hard narcotics. Most of his friends are young men who have a similar way of life. In order to finance their drug habit and life in general, Kristian and his friends have decided to smuggle narcotics into the country and sell some of them.*

*Kristian speaks English and has friends in London with connections to cocaine dealers. Kristian makes several trips to London and manages to bring a total of*

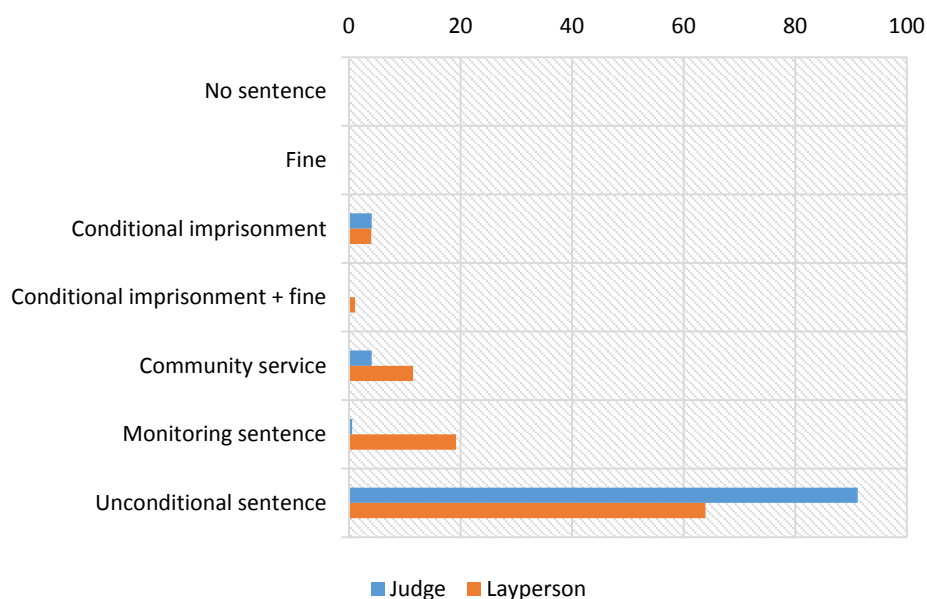
approximately 500 g of cocaine into Finland in batches of approximately 50 g. He transports the drugs in his rectum. Finally, Kristian is apprehended at Helsinki Airport.

During the police interview, he confesses that he has sold several hundred doses of cocaine, either himself or with the help of his friends. He also discloses the names of his friends, who corroborate his story. According to Kristian, about 225 g of the cocaine was sold and the remainder he used himself. The district court estimated that the street value of the cocaine sold was at least EUR 20,000.

Kristian has a prior conviction from 2011 for possessing and selling hash; the sanction for that was 90 days of conditional imprisonment, the probation period of which had ended before this act.

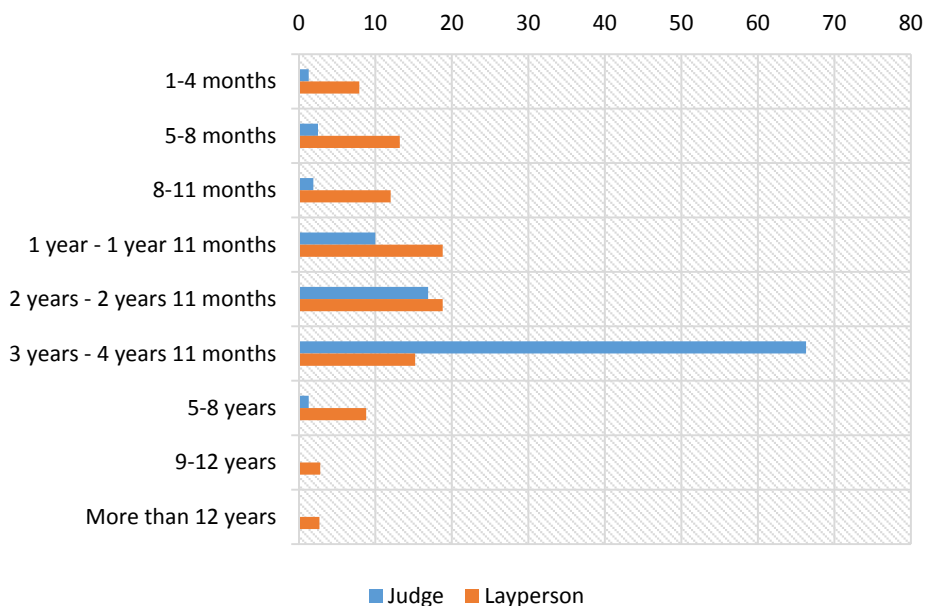
Which punishment would you give to Kristian? You can choose one or several options.

The distribution of sentences per type of sanction in both datasets is illustrated in Figure 13.



**Figure 13** Distribution of sentences per type of sanction (%) among judges (N=170) and laypeople (N=1,231) in the case involving the trafficking and selling of cocaine

The most typical sanction chosen by both respondent groups was unconditional imprisonment: it was suggested by 91.2 % of judges and 63.9 % of laypeople (see Figure 13). Again, there was more dispersion in the population survey: lay respondents suggested a monitoring sentence and community service more often than judges. With regard to the length of the unconditional prison sentence, there was a big difference between the lay respondents' conceptions and the prevailing punishment policies (see Figure 14). The judges quite consistently chose sentences of 3–5 years, whereas among laypeople the sentence length varied significantly with 1–3 years being the typical range.



**Figure 14** Distribution of unconditional prison sentences (%) among judges (N=160) and laypeople (N = 921) in the case involving the trafficking and selling of cocaine

### 3.6 Fraudulent avoidance of taxes

The sixth case involved fraudulent tax evasion. The case description and related question were formulated as follows:

*Case Pertti*

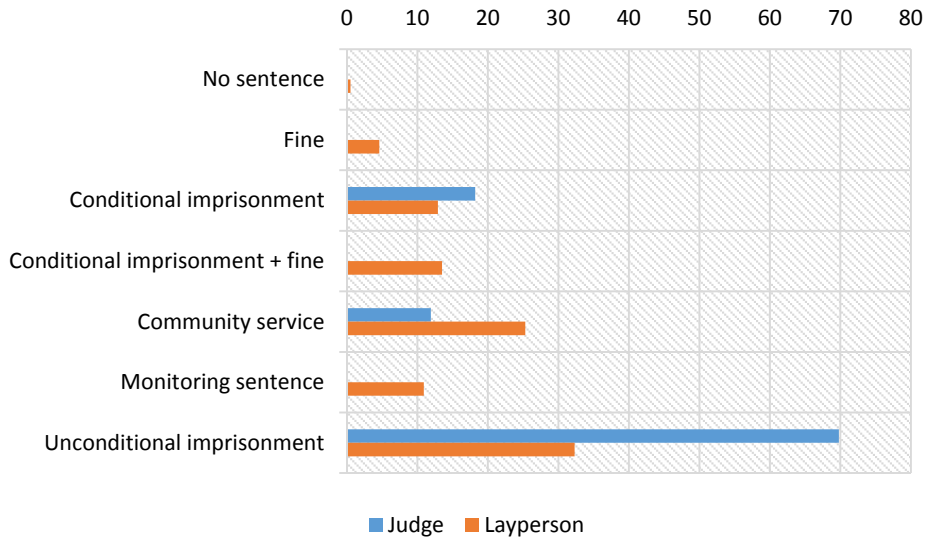
*Pertti owns a temporary staffing company. It has been discovered that Pertti has been entering false subcontracting invoices in the company's books, which the company has not actually paid. In this way, he has avoided a total of EUR 260,000 in value-added tax. In addition, Pertti has paid salaries "off the books" and thus avoided payments of EUR 166,000 in payroll taxes and EUR 22,500 in social welfare contributions. The total financial gain from these fraudulent acts adds up to EUR 450,000.*

*Pertti has no prior criminal record.*

*Which punishment would you give to Pertti? You can choose one or several options.*

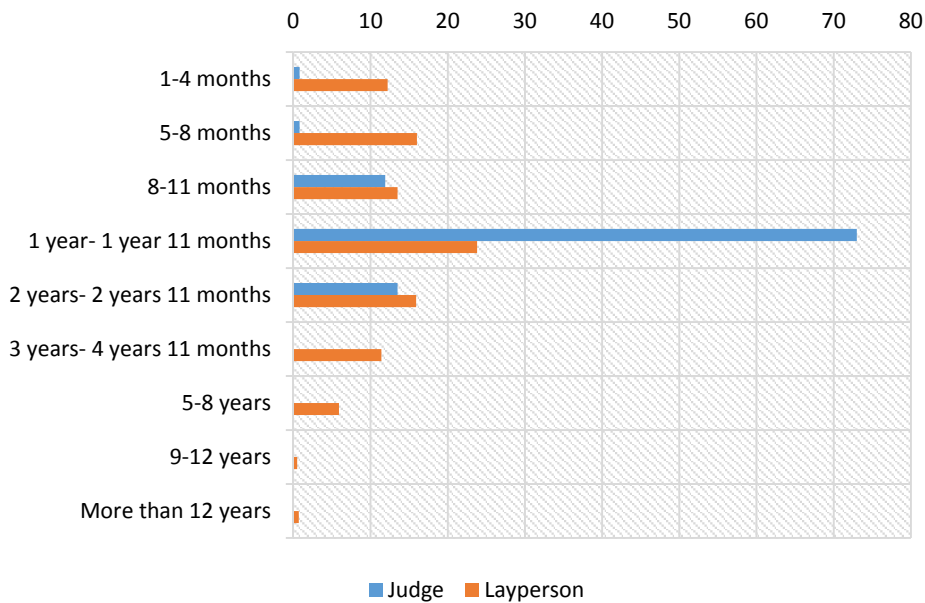
The distribution of sentences per type of sanction in both datasets is illustrated in Figure 15.





**Figure 15** Distribution of sentences per type of sanction (%) among judges (N=160) and laypeople (N=1,229) in the case involving fraudulent avoidance of taxes

In both respondent groups, the most typical sanction was unconditional imprisonment, which was chosen by 69.8 % of the judges and 32.3 % of the laypeople. In this case, too, there was more dispersion among the lay respondents than among the judges. More than one-third of the laypeople chose community service or a monitoring sentence instead of unconditional imprisonment. The length of the prison sentences also varied significantly in the population survey (see Figure 16). On the other hand, 73 % of the judges who chose an unconditional prison sentence set the sentence length at one to two years.



**Figure 16** Distribution of unconditional prison sentences (%) among judges (N=126) and laypeople (N=765) in the case involving fraudulent avoidance of taxes

### 3.7 Driving under the influence of intoxicants

The seventh case dealt with driving a car while intoxicated. The case description and related question were formulated as follows:

**Case Raija**

*It was Friday afternoon. Raija, who worked in mail delivery in a small town in Northern Finland, had finished work for the day. It had been a hard week but now, as the weekend was approaching, Raija was in a good mood. Before heading home, she bought groceries for the weekend and also a couple of bottles of white wine and beer, as usual. Raija knew that she should reduce her alcohol consumption, but she thought that it was okay to relax a little during the weekend.*

*In the shop's car park, Raija met her friend Leila. The ladies decided to go to a local pub, have a beer and chat for a while. Raija was only supposed to have one beer, as she would have to drive home, which was about thirty kilometres away. However, the first beer was downed quickly and as they were having such a nice time, Raija decided to have a couple more beers before heading home. In addition, while driving home, Raija drank one of the beers she had bought.*

*Close to her home, Raija was pulled over by the police and her blood alcohol level was found to be 0.129 %.*

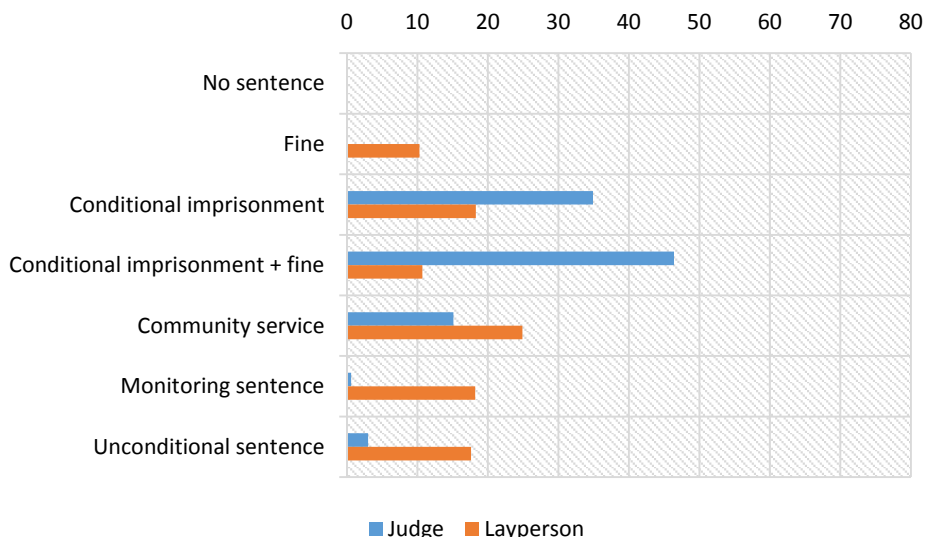
*Raija was issued with a temporary driving ban, effective immediately, and by the time of the district court hearing, she had been banned from driving for 4.5 months.*

*She had admitted her guilt to the police, but she had also asked to keep her driving licence because of her work.*

*Raija has a prior conviction from 2010 for driving while intoxicated (blood alcohol level 0.150 %); the sanction for that was 90 days of conditional imprisonment, the probation period of which had ended before this act.*

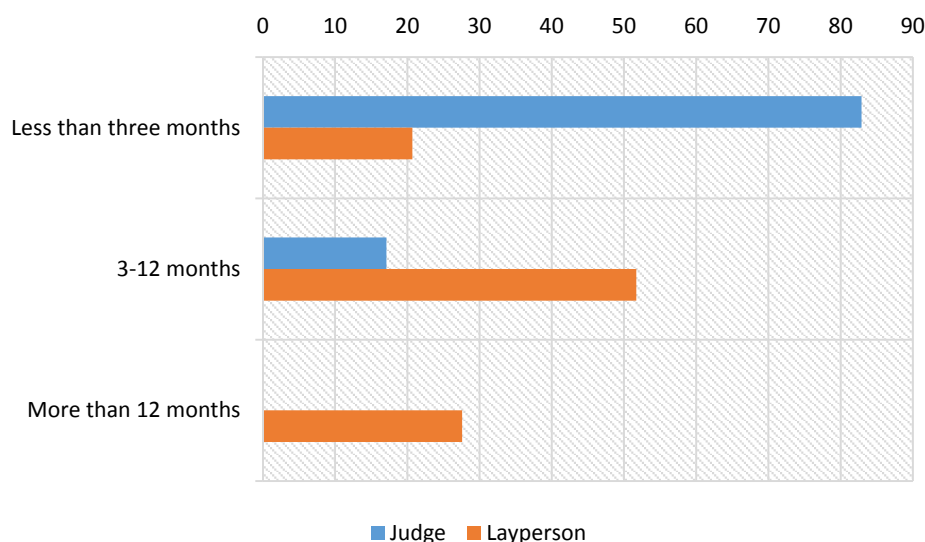
*Which punishment would you give to Raija? You can choose one or several options.*

The distribution of sentences per type of sanction in both datasets is illustrated in Figure 17.



**Figure 17** Distribution of sentences per type of sanction (%) among judges (N=166) and laypeople (N=1,225) in the case involving driving while intoxicated

A typical sanction chosen by the judges was a joint sentence of imprisonment plus a fine. In the population survey, the most typical sanction was community service, but there was great dispersion: lay respondents suggested conditional imprisonment and a monitoring sentence clearly more often than judges. With regard to the length of the conditional prison sentence, the judges quite consistently chose less than three months, whereas among the laypeople the sentence length varied greatly; the typical length was between three and twelve months (see Figure 18).

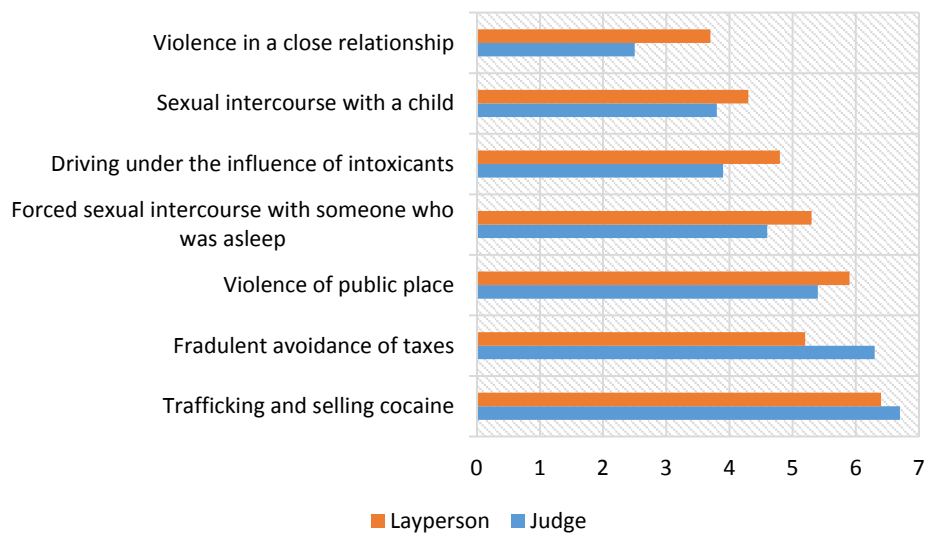


**Figure 18** Length of conditional imprisonment (%) among judges (N=140) and laypeople (N=548) in the case involving driving while intoxicated

### 3.8 Punishment policies and laypeople's punishment preferences in seven criminal cases: summary

In this chapter, all seven cases are reviewed jointly in a comparative manner.

Figure 19 illustrates the severity of sentences per case. The average choice of type of sanction is measured on a scale of 1–7 (1 = no sentence ... 7 = unconditional imprisonment; see section 3.4). The cases are presented in the Figure in the order of severity determined by the judges in the survey.

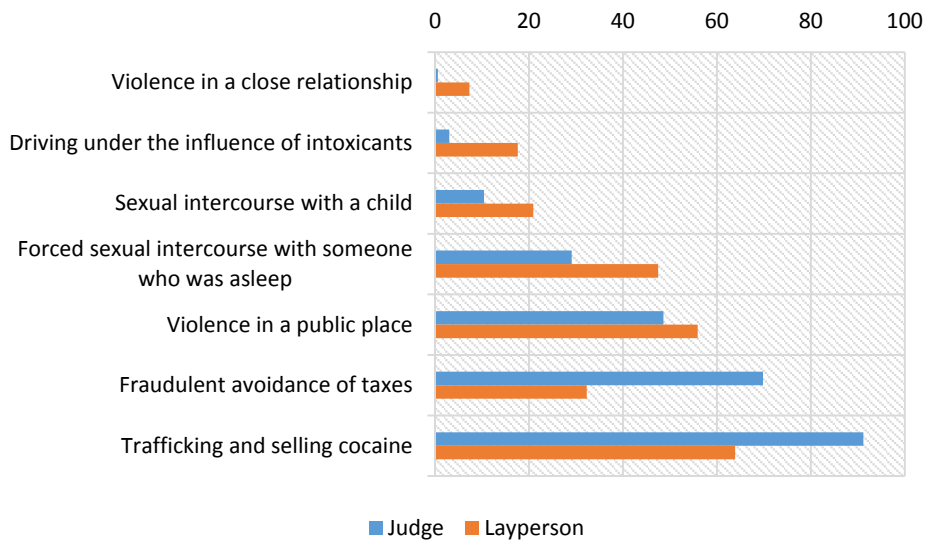


**Figure 19** Average severity of sentence in seven criminal cases on a scale of 1–7 (1 = no sentence ... 7 = unconditional imprisonment)

First of all, we can see that the order of severity is quite similar in both datasets. The only deviation is in the case of fraudulent avoidance of taxes, which occupies the second place among judges but the fourth place among lay respondents. The order correlation coefficient  $\rho$  between the two datasets is .89 (the variation range for the order correlation coefficient  $\rho$  is  $-1 \dots +1$ ). Hence, it can be stated that the order of sentence severity for the criminal cases described in this research is quite similar among laypeople and judges.

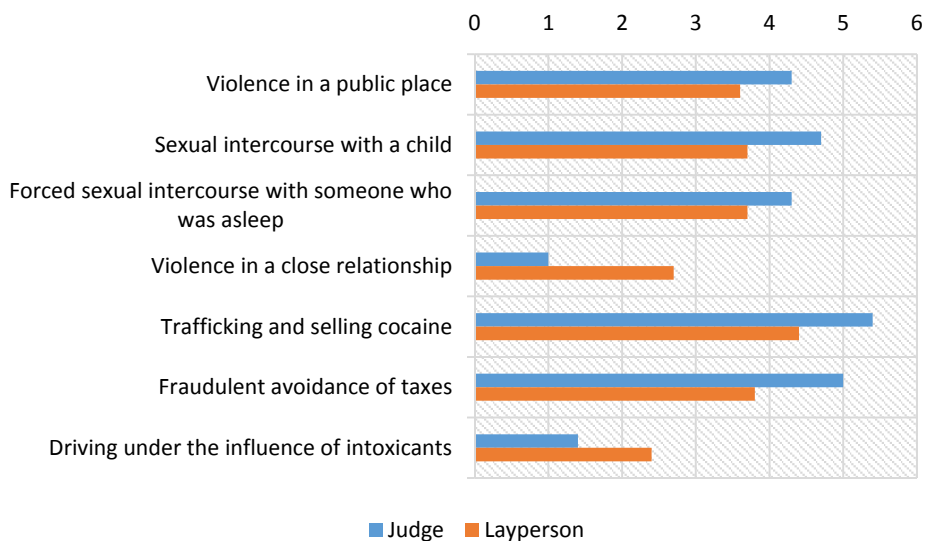
Secondly, we can see that laypeople (on average) chose a harsher punishment than professional judges in five out of the seven cases. The biggest deviation was detected in the case involving violence in a close relationship and the second biggest in the case of driving while intoxicated. In two cases, the punishment policies as indicated by the judges' responses feature harsher sanction types than laypeople's punishment preferences. In this respect, the biggest deviation is observed in the fraudulent tax avoidance case, but harsher punishment policies are also reflected in the case of trafficking and selling cocaine.

The severity of punishment can also be analysed in terms of the proportion of respondents who chose an unconditional prison sentence for each case (see Figure 20). The findings are in line with the above-described impressions both in terms of order of severity and average harshness of punishment.

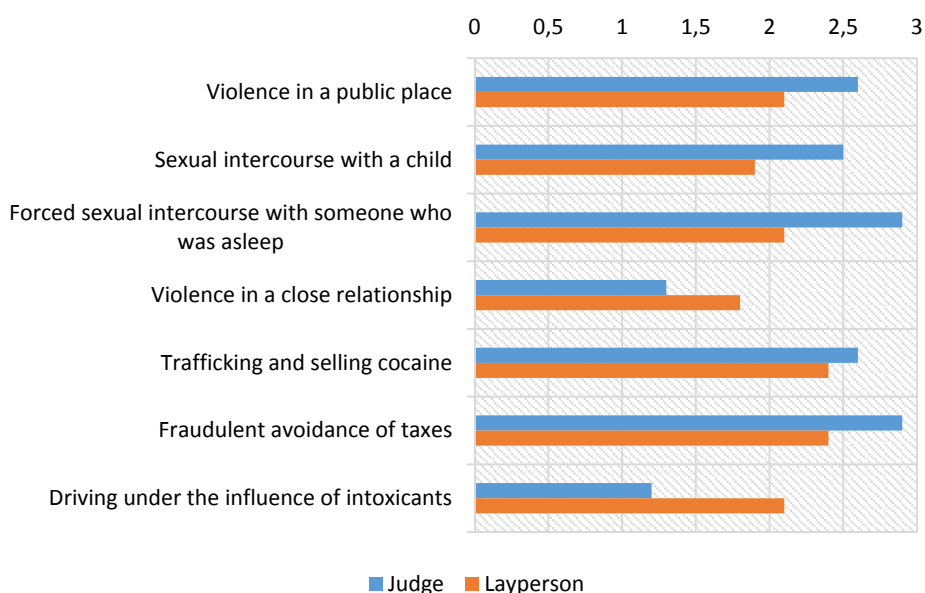


**Figure 20** Preference for unconditional imprisonment per case by judges and laypeople (%)

Third, the severity of sentences can be reviewed by analysing the suggested length of conditional and unconditional prison sentences. For this purpose, the length of conditional imprisonment has been calculated as an average of alternatives 1 (less than three months), 2 (three to twelve months) and 3 (over twelve months). Correspondingly, the length of unconditional imprisonment has been calculated as an average of alternatives 1 to 9 (see e.g. Figure 16). The findings are illustrated in Figures 21 and 22. In five out of the seven cases, the conditional and unconditional sentences determined by the professional judges were longer than those chosen by the laypeople. The only exceptions were the cases involving violence in a close relationship and driving while intoxicated. In these cases, comparison is difficult because the professional judges hardly ever chose unconditional imprisonment for them (violence in a close relationship  $N=1$ , and driving while intoxicated  $N=7$ ). One reason why the judges preferred longer sentences may be the fact that they know that offenders don't usually have to remain in prison for the entire duration of their sentence. It can be assumed that not all laypeople are aware of this.



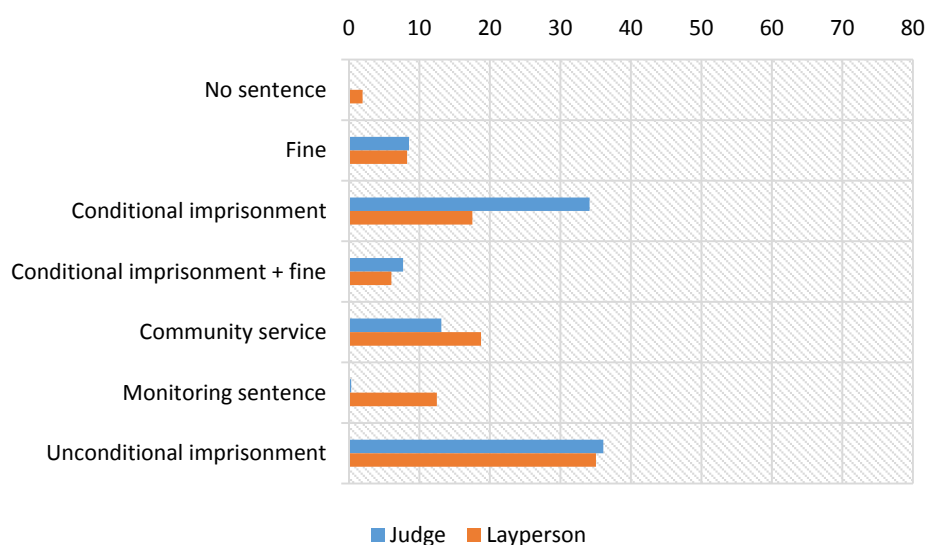
**Figure 21** Average length of unconditional imprisonment (on a scale of 1–9) per case among judges and laypeople



**Figure 22** Average length of conditional imprisonment (on a scale of 1–3) per case among judges and laypeople

Fourth, we can review the average distribution of sanction-type preferences in all seven cases (Figure 23). The judges' preferences reflect the binary nature of punishment policies: the main options are conditional or unconditional imprisonment. However, in comparison, the population survey responses show that laypeople also favour the sanctions alternative to unconditional imprisonment, particularly monitoring sentences but also community service. The use of monitoring sentences by courts is naturally limited by the rather tight legal conditions set for its applicability. Moreover, the survey results indicate that laypeople's trust in the efficiency of the conditional prison sentence is not nearly as high as its usage rate in the prevailing punishment policies.

When reviewing the average results in all seven cases, we can see that a fine and unconditional imprisonment are equally preferred among laypeople and judges alike; there are no statistically significant deviations regarding these options.



**Figure 23** Average preference for each type of sanction in all seven criminal cases, proportion (%) of respondents

## 4 ALTERNATIVES TO UNCONDITIONAL IMPRISONMENT IN THE POPULATION INTERVIEW

As noted above, the population survey respondents clearly favoured community service, which is a more severe punishment than conditional imprisonment but an alternative to unconditional imprisonment. The judges' responses, on the other hand, demonstrated a binary approach to punishment choices: the main options were conditional or unconditional imprisonment. The judges' survey responses can be traced back to the history of control policies in Finland. It has been suggested that a simple system built on a small number of sanction types guarantees transparency in legal practice (Yhdistelmävankeustyöryhmä 2013). However, starting from the 1990s, the Finnish sanction system has gradually been diversified and sanctions falling between conditional and unconditional imprisonment have been developed. The reasons for this include the criticism towards conditional prison sentences, as well as awareness of the fact that community service is more effective in preventing repeat offences than imprisonment. In the past few years, community service has been rather actively used as a sanction by Finnish courts, but the use of monitoring sentences and other such sanctions has been scarce (see e.g. Lappi-Seppälä, Niemi & Hinkkanen 2015, 56).

Other sanctions falling between conditional and unconditional imprisonment have also been suggested lately. One of these alternatives is contract treatment, which means that the offender has to commit him/herself to fixed-term substance abuse treatment. The goal of this arrangement is to reduce substance abuse and, consequently, crime (Sopimushoidon kokeileminen 2003). The latest suggestion prepared by the

Combined Imprisonment Committee (Yhdistelmävankeustyöryhmä) is a combined prison sentence, which would consist of a longer conditional imprisonment period and shorter unconditional imprisonment. The Committee also suggests that a monitoring sentence be applied as an additional sanction to conditional imprisonment. The work of the Committee stems from the thought that the public may consider conditional imprisonment alone to be an insufficient sanction (Yhdistelmävankeustyöryhmä 2013).

This study provided a good opportunity to inquire how laypeople who suggested unconditional prison sentences would feel about the above-described alternative or joint sentences.

To this end, the following additional question was posed to all of the population survey respondents who chose unconditional imprisonment as the preferred punishment for a case:

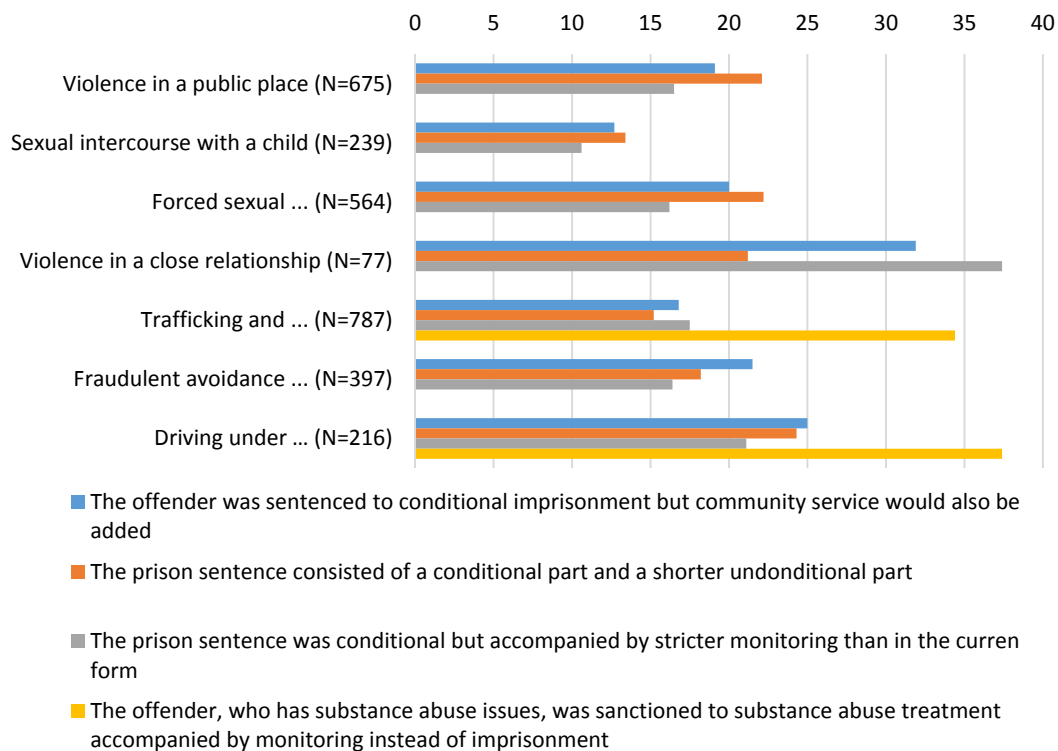
"Let's return to the case we just described. Would you be willing to consider a sanction milder than unconditional imprisonment if:

- the offender was sentenced to conditional imprisonment but community service was also added?
- the prison sentence consisted of a conditional part and a shorter unconditional part?
- the prison sentence was conditional but accompanied by stricter monitoring than in the current form?
- the offender, who has substance abuse issues, was sanctioned to substance abuse treatment accompanied by monitoring instead of imprisonment? (The last option was only given in the cases involving narcotics trafficking and selling, and driving while intoxicated.)

Please respond by using a scale from zero to ten, where zero means that you would definitely not consider an alternative sentence and ten means that you would definitely be ready to consider one."

Figure 24 below illustrates the responses of those respondents who chose an unconditional prison sentence only, without also choosing community service or a monitoring sentence in the same case. The Figure indicates the proportion of respondents whose response on the scale 1–10 was 6 or higher, namely those who expressed willingness to consider one of the proposed alternative sentences instead of unconditional imprisonment.





**Figure 24** Proportion (%) of respondents willing to consider alternative sanctions instead of imprisonment per case and per sanction type

As we can see from the Figure, 11–37 per cent of the respondents, depending on the case, would be ready to consider a combined sentence of conditional imprisonment and another type of sanction instead of the prison sentence they had initially chosen. On average, one in five lay respondents who chose unconditional imprisonment was ready to consider community service or a joint sentence as an alternative, and more than one-third of them were ready to consider substance abuse rehabilitation instead of imprisonment (in the applicable cases). However, the scores vary quite a lot from case to case: alternative sanctions were least popular in the case involving sexual intercourse with a child and most popular in the case of violence in a close relationship.

The option of fixed-term substance abuse treatment, based on the contract treatment concept, gained clear support. In both cases where substance abuse treatment was offered as an option, more than one-third of the respondents expressed willingness to consider this sanction as an alternative to imprisonment. Particularly in the case of trafficking and selling narcotics, the score can be deemed to be surprisingly strongly in favour of contract treatment. These results are also in keeping with the observation made in many other studies that laypeople have quite a realistic conception of the issues underlying crime that cannot be resolved by means of punishment only (Roberts & Hastings 2012).

Apart from substance abuse treatment, the other alternative sanctions were favoured rather evenly.

## 5 LAYPEOPLE'S OPINIONS ON SANCTIONS, CRIME PREVENTION AND JUDGES

### 5.1 Goals of sanctions

Sanctions imposed on offenders can have various goals (see e.g. Nuutila 1997; Lappi-Seppälä 2009; de Keijser, Leeden & Jackson 2002). One goal can be that by suffering the punishment, the offender expiates the harm caused to the victim or community. This is referred to as retributive justice: the community has the right and also the obligation to punish the offender and thereby give the victim moral compensation for the violation of his/her rights and restore the moral order of the community. On the other hand, punishment can be seen from the benefit-oriented viewpoint, aiming to prevent crime in the future. In this sense, sanctions can aim at specific or general crime prevention. Specific crime prevention means isolating the offender for a certain period of time in order to protect the community. It can also be an attempt to influence the offender's behaviour or the factors underlying this behaviour, such as substance abuse. This approach is close to treatment provision: during the sentence, an attempt is made to influence the personal factors that have contributed to the offence. General crime prevention, on the other hand, can mean deterrence: awareness of the possible consequences can reduce the willingness to commit a crime. In addition, restorative goals of the sanction system can be referred to. The primary goal is not punishment in itself but repairing the damage caused and resolving social disputes in such a manner that similar problems can be avoided in the future.

What do Finns think about these goals of sanctions and punishments? Why do people find it necessary to react to crime?

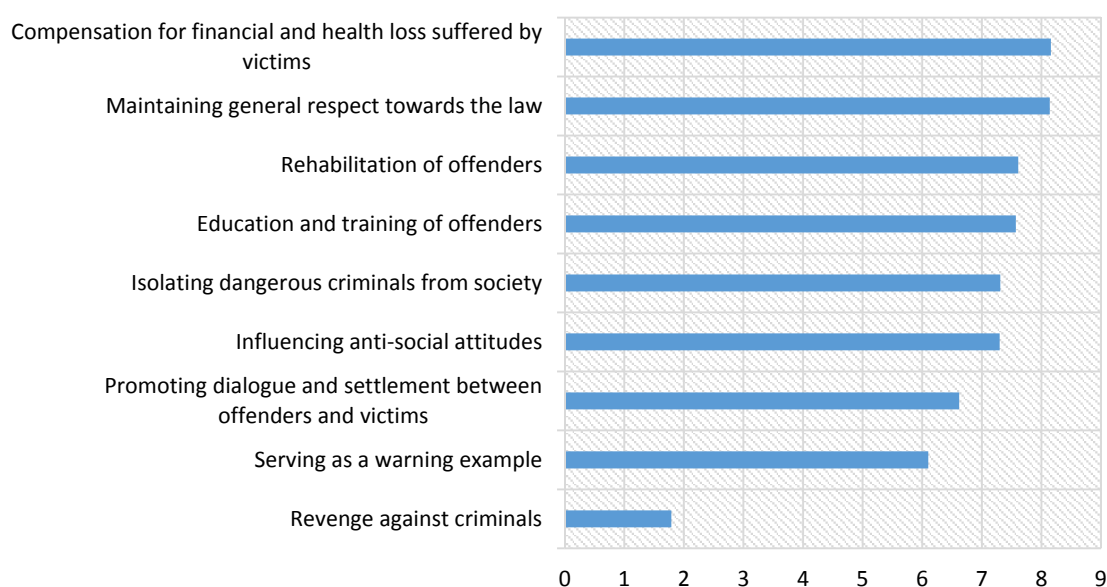
The population interview conducted for this study also included the following question:

"Sanctions are various punishments and other possibly related measures adopted for crimes or offences. In your opinion, which goals should sanctions serve? Please respond on a scale from zero to ten, where zero means that the goal in question is not at all important and ten means that the goal in question is very important in your opinion."

The average scores for different goals are illustrated in Figure 25.

The first observation is that the idea of using punishment for retribution – namely retaliation – is clearly alien to the majority of respondents. The way in which the question was formulated may have influenced the responses somewhat; if the word "redemption" had been used instead, this option may have been more popular. Nevertheless, this observation stands out so clearly that it is likely to reflect people's attitudes towards the idea of retributive justice. On the other hand, the goal of "maintaining general respect towards the law", which is related to the same concept, is broadly supported. One way to interpret this finding is that people consider it important to maintain and strengthen the values that are essential in the community: offenders should be punished for breaking the rules, but not in the sense that people who commit crimes must pay a heavy price for their deeds.

The goal of "serving as a warning example", which refers to the deterrence effect, is the second least popular goal. Instead, a lot of support is given to elements that include rehabilitation: substance abuse treatment, education, work coaching, and influencing anti-social attitudes are all seen as important goals. The most widely supported goal is the restorative justice principle of compensating the victims for their losses. Furthermore, the goal of promoting dialogue and settlement between offenders and victims, which belongs to the same category, also ranks relatively high in this comparison.



**Figure 25** Goals of punishments as rated in the population interview; average scores on a scale of 0–10, where 0 = not at all important and 10 = very important (N=1,226–1,239).

## 5.2 Methods of crime prevention

Imposing sanctions for offences is only one way of trying to influence crime. Even though sanctions can also serve a preventive purpose, as stated above, the criminal process only starts once an offence has taken place. Julian Roberts and Ross Hastings compiled opinion survey results from several West European and North American countries and found that the majority of citizens in Western countries believe that the primary root causes of crime are of such a nature that they cannot be influenced by the means available to the criminal justice system. Criminal justice measures, such as police investigations, court proceedings, and sanctions, only enter the equation after an offence has been committed. Therefore, people believe that prevention is the most efficient way to reduce crime (Roberts and Hastings 2012). In this sense, the assumption that people generally have sanction-centric mindsets is incorrect.

Methods of crime prevention can be roughly divided into three groups (see Welsh & Farrington 2012). First, there are so-called individual-level crime prevention methods. These are methods applied among children and young people in risk groups in order to prevent them from adopting a criminal lifestyle. Second, there are community- or society-level crime prevention methods, which aim at preventing the

emergence of such circumstances that favour increased crime at the community level. These methods include various measures for preventing exclusion and inequality, as well as substance abuse issues. The third group is opportunity prevention, namely restricting opportunities to commit crimes at the community level by means of supporting formal and informal control and monitoring. According to different population survey results, the most popular methods of crime prevention include various initiatives for supporting children, young people, and families (Cullen et al. 2007).

How, then, do people actually prioritise the different methods of crime prevention, if both criminal justice and preventive measures are addressed jointly? Cohen, Rust and Steen (2006) analysed this by asking their survey respondents to divide a certain imaginary allowance sum between different crime prevention measures. This method puts laypeople in a position similar to that of political decision-makers: the available resources are limited, and supporting one option means that there is less to spend on the others. As is also the case in actual political decision-making, one option is that no additional resources whatsoever are allocated to crime prevention. The survey conducted by Cohen, Rust and Steen featured four optional crime prevention methods: more prisons, more police officers, more money to support young people and families, and more money to treat substance abuse problems. In addition, the respondents could choose an option in which some of the allowance was returned to the taxpayers. This was included in order to measure people's general willingness to increase the use of tax funds for crime prevention. The key finding in this research was that the most popular target for funding was youth work, while the least popular was building new prisons; returning the allowance to taxpayers was a more popular option than prison construction. Similar findings were also made by Salmi and Danielsson (2014), who applied the above-mentioned research method in Finland. However, instead of including the opportunity to return the allowance, they added an option of raising social income support in order to alleviate poverty in society. This study indicated that Finnish citizens also consider the resolution of youth problems to be the preferred crime prevention method and the construction of new prisons to be the least favourable.

For the study at hand, Cohen, Rust and Steen's method was adjusted so that a total of nine crime prevention methods were suggested, one of which was returning the allowance in order to save taxpayer money.

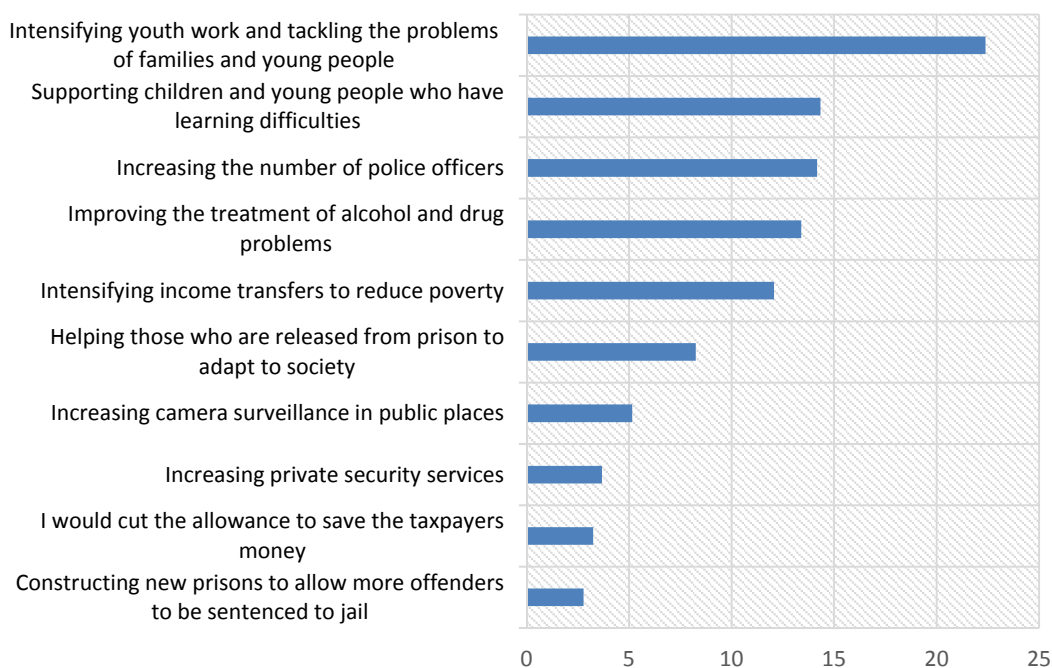
The question was formulated as follows:

"Imagine that you are in a decision-making position. The state budget has a new allowance of EUR 100 million to be spent on crime prevention. It is your task to decide how to distribute this sum between different measures. How would you divide the EUR 100 million between the following targets?

Please read through all options before making your choice. There are 10 options. Try to make sure that the total sum after your distribution is 100. If you would not grant any funds to a certain option, enter 0."

The interviewer's computer was programmed to check the responses so that the respondent could not proceed until the sum of the distributed funds was 100.

Figure 26 illustrates the results.



**Figure 26** Distributing an imaginary allowance of EUR 100 million between different methods of crime prevention (N=1,251).

As we can see, by far the most popular form of crime prevention is more efficient youth work and addressing domestic issues. If we also include the option of helping children and young people with learning difficulties, the total amount allocated for these purposes is about EUR 37 million from the 100 million available. The police would receive about EUR 14 million and substance abuse treatment about 13 million. Approximately EUR 5 million would be spent on increased camera surveillance and 3.6 million on private security services. The construction of new prisons was the least popular option, and even cutting the allowance was preferable in comparison.

These results clearly confirm the earlier findings that people find preventive measures to be the most efficient method of tackling crime. Within preventive measures, individual-oriented measures are clearly emphasised, and social measures are also favoured. Attitudes towards increased control practised by the police are relatively positive, but other forms of control, such as camera surveillance or increased private security services, are clearly less popular. It is evident that people do not see imprisonment as an efficient method of crime prevention.

### 5.3 A good judge and public opinion

Some studies have referred to the assumption that too mild punishment standards may diminish citizens' trust in the justice system. The assumption is that if the general mindset within the community is that punishments are not hard enough, the legitimacy of the system can be questioned, which, in turn, could lead to decreased respect towards the law in general (see e.g. Roberts et al. 2012; Ryberg 2014). However, this begs the question of where trust towards the justice system comes from in

the first place. What do people expect from the justice system and, in particular, from the judges executing it? Do they expect tough sentences or something else?

These matters were addressed with a set of questions based on the research conducted by the Dutchmen Henk Elffers and Jan W. de Keijser (2008):

"Please choose the three most important qualities of a judge from the following list. Read through the entire list first and then choose three of the qualities."

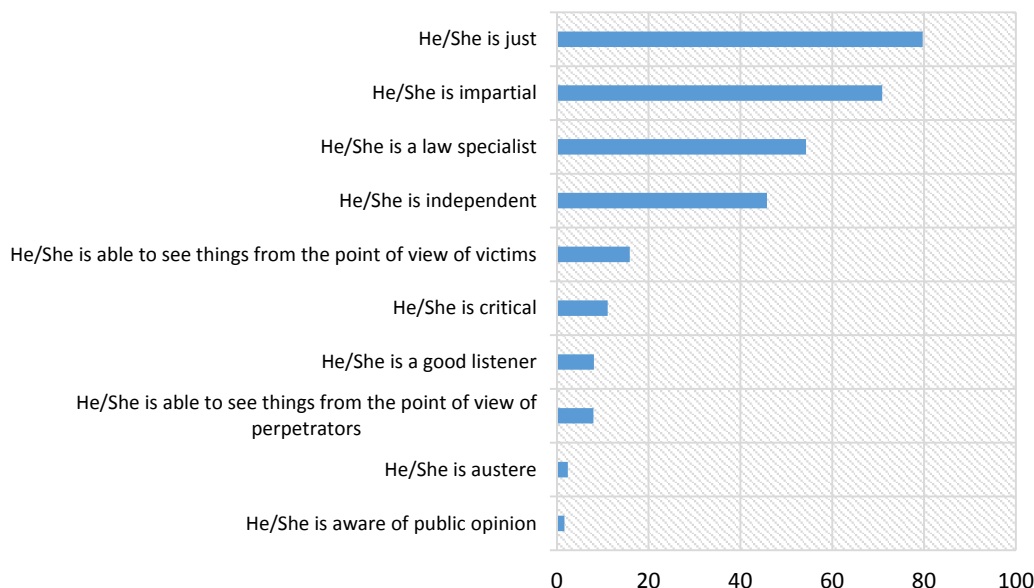
The qualities, which are listed in Figure 27, were shown to the respondents in random order.

Another set of questions, which is also based on the above-mentioned Dutch research, was also used. The respondents were asked to respond to certain claims describing people's opinions on the connection of judges to society and their relationship to public opinion. This question was formulated as follows:

"To what extent do you agree or disagree with the following statements about judges? Please respond using a scale of 0–10, where 0 means that you completely disagree and 10 means that you completely agree with the statement in question."

The statements and responses are shown in Figures 27 and 28. These statements were also presented to the respondents in random order.

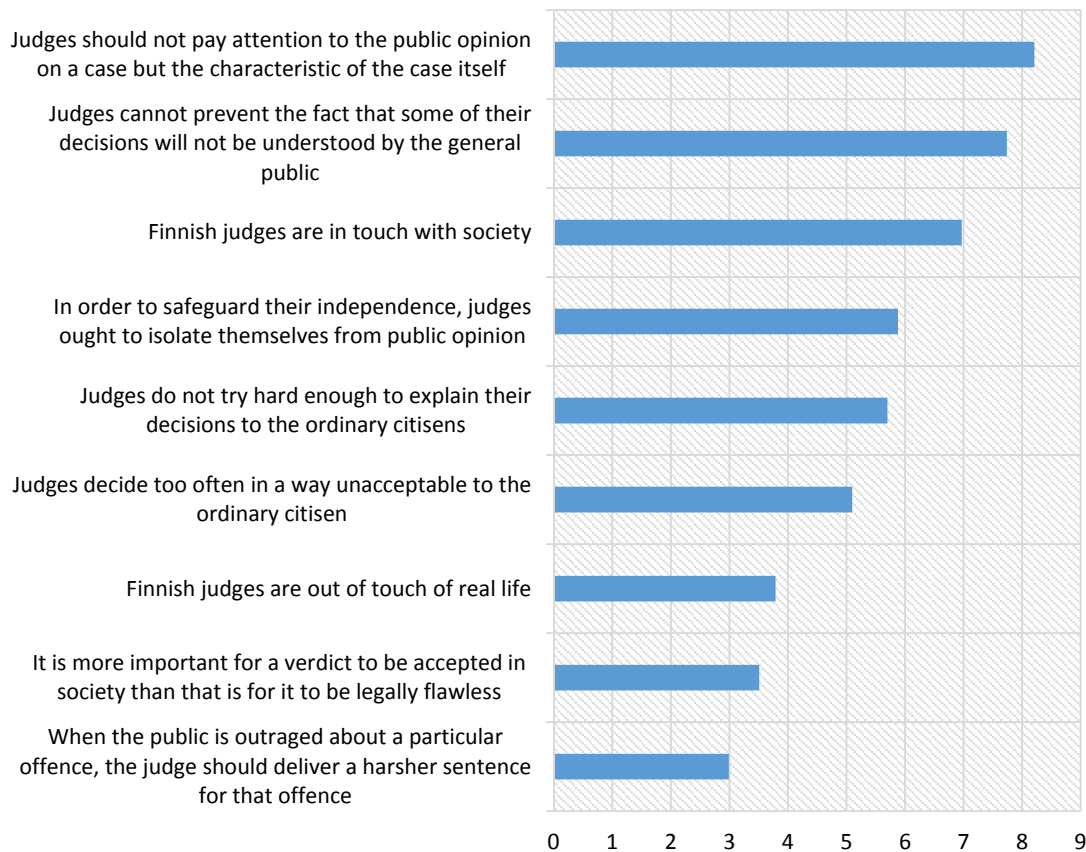
Looking at the results (Figure 27), we can see that four qualities of a good judge stand out: fairness, impartiality, expertise, and independence. Correspondingly, the least important qualities are severity or awareness of public opinion. These results are quite well aligned with those of the Dutch study.



**Figure 27** The three most important qualities of a judge. Proportion (%) of respondents who listed each quality as one of the three most important ones (N=1,251).

Finns seem to believe that Finnish judges are in touch with society (see Figure 28). Despite this, however, they do not think that judges should follow public opinion in their rulings. The independence of courts is strongly supported, and people want

court rulings to be based on the matters at hand, as well as on the expertise, impartiality and fairness of the judges. These results allow us to conclude that trust in courts stems from these elements: the impartiality, fairness, and independence of courts in their operations.



**Figure 28** Opinions concerning certain statements about judges and court rulings; average scores on a scale of 0–10, where 0 = completely disagree and 10 = completely agree (N =1,238–1,244).

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## APPENDIXES

### Appendix 1 Fieldwork report on the population interview

(The report was prepared by Joni Vallenius, TNS Gallup; it is presented here in a slightly abbreviated and edited format)

Project: 220107102 Oikeustajututkimus (Study on sense of justice)

Fieldwork period: 2 May 2016–12 July 2016

Number of interviewers: 38

#### Sample

The sampling method was stratified random sampling. The stratified sampling was based on initial information on the division of the fundamental set into groups.

At the first stage of population sampling, the required number of subjects was divided into NUTS2 regions based on the provinces of Finland.

At the second stage, the number of subjects was divided according to types of municipality.

The regional distribution of the sample per region and type of municipality:

<i>NUTS2name</i>	<i>group of municipalities</i>	<i>Number of starting points</i>	<i>% distribution</i>
<i>Helsinki-Uusimaa</i>	Urban municipalities	32	23 %
<i>Helsinki-Uusimaa</i>	Densely populated municipalities	5	4 %
<i>Helsinki-Uusimaa</i>	Rural municipalities	0	0 %
<i>Southern Finland</i>	Urban municipalities	24	17 %
<i>Southern Finland</i>	Densely populated municipalities	6	4 %
<i>Southern Finland</i>	Rural municipalities	1	1 %
<i>Western Finland</i>	Urban municipalities	24	17 %
<i>Western Finland</i>	Densely populated municipalities	8	6 %
<i>Western Finland</i>	Rural municipalities	7	5 %
<i>Northern and Eastern Finland</i>	Urban municipalities	19	14 %
<i>Northern and Eastern Finland</i>	Densely populated municipalities	5	4 %
<i>Northern and Eastern Finland</i>	Rural municipalities	9	6 %

Certain regions, where the interview response rate remained lower, are over-represented in the sample framework.

Municipalities were grouped per type in such a manner that cities were divided into large and small ones based on population, and rural municipalities were divided into three categories based on the population's main sources of livelihood. The municipalities included in the survey were sampled in a representative manner based on the above-described stratum.

In the third stage of sampling, starting point addresses were sampled from each included municipality in proportion to the population. The interviews were conducted using the starting point method.

Eight interviews were conducted, proceeding from each randomly chosen starting point address. In every subject household, the person whose birthday was next was selected for the interview.

### Training of interviewers

All interviewers who participated in the research had received personal interviewer training and had worked in similar research projects for several years. The interviewers who participated in the sense of justice survey received instructions in teleconferences on 29 April and 2 May 2016.

This is the standard procedure for all similar projects. In addition, every interviewer received detailed fieldwork instructions (Appendix 1) on conducting the interview and matters that influenced the contents of the questionnaire before the teleconference.

### Quality assurance

After the data collection, survey participants were asked the following control questions:

- Was the interview conducted?
- Was the interview conducted on the reported date?
- What was the topic of the interview?
- Where was the interview conducted?
- How was the interview conducted?
- How long did the interview last?
- How old is the respondent?
- Has the respondent been interviewed before?
- How would the respondent assess the interviewer?

A total of 66 control calls were made. No quality deviations or other reasons to disqualify interviews were detected.

### Interview and contact volumes

The average number of starting point interviews was 7.9. An average of 4.9 contacts per interview were made.

Number of interviews: 1,254

Contacts not resulting in an interview: 2,502

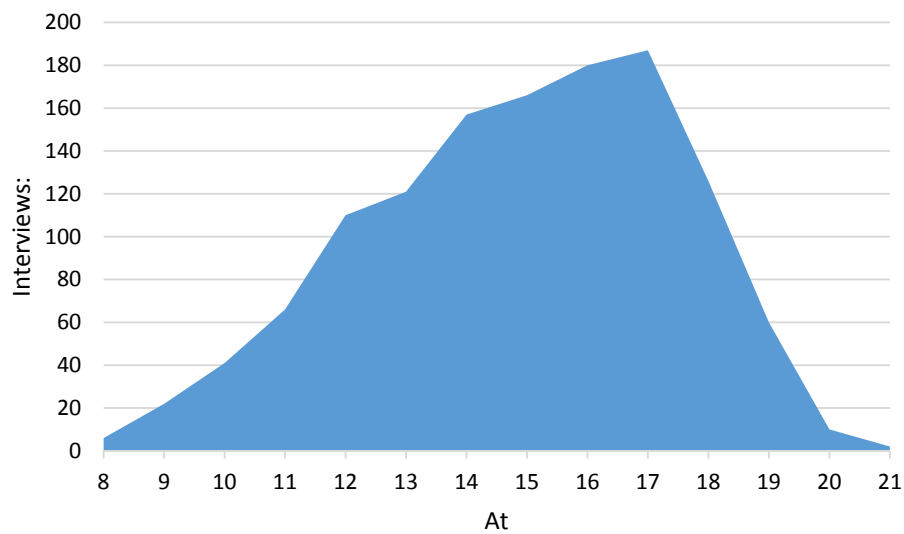
Interviews interrupted: 10

Number of contacts sorted by outcome:

code	description	number
104	Interrupted by interviewer	10
301	Address not found	15
302	Not a residential district	39
303	No access to district	31
304	Refused	1,859
305	No one home	1807
306	Respondent not reached	62
307	No time for the interview	112
308	Not available during the fieldwork	49
309	Agreed to postpone	77
310	Not in target group	509
0	Other	79

The number of addresses visited was 5,841.

The average number of visits per address was 1.64.

**Distribution of interviews per time of day:****Municipalities included in the sample:**

Alajärvi, Alavus, Espoo, Haapajärvi, Hamina, Heinävesi, Helsinki, Vantaa, Hollola, Hämeenkyrö, Hämeenlinna, Ii, Iisalmi, Ilomantsi, Isokyrö, Imatra, Janakkala, Joensuu, Joutsa, Juankoski, Jyväskylä, Järvenpää, Kaarina, Kajaani, Kalajoki, Kangasala, Kannus, Kauhajoki, Kauhava, Kempele, Kerava, Kirkkonummi, Kitee, Kiuruvesi, Korsnäs, Kotka, Kouvola, Kuopio, Outokumpu, Lahti, Laihia, Lappeenranta, Lapua, Lemi, Lempäälä, Leppävirta, Liperi, Loviisa, Lohja, Parainen, Muurame, Mäntsälä, Naantali, Nastola, Nivala, Nokia, Orivesi, Oulainen, Oulu, Pirkkala, Pori, Pälkäne, Porvoo, Raisio, Rauma, Riihimäki, Rovaniemi, Raasepori, Saarijärvi, Salo, Savonlinna, Seinäjoki, Sievi, Siilinjärvi, Sulkava, Suonenjoki, Tampere, Turku, Tuusula, Ulvila, Uusikaarlepyy, Uusikaupunki, Vaasa, Valkeakoski, Varkaus, Vihti, Ylivieska, Ylöjärvi, Äänekoski

## Appendix 2 Descriptions of the sanction options in the population interview

### No sentence

The court finds the offender guilty of the offence but does not impose any sanction. This can be regarded as a warning.

### Fine

The amount payable is determined as a "day fine" based on the offender's daily income. For the sake of clarity, in this interview the amount is described in proportion to the offender's income.

### Conditional imprisonment

A prison sentence of a maximum of two years can be designated conditional. An offender sentenced to conditional imprisonment will not go to prison, but a probation period of 1–3 years is issued. If the person commits another crime during the probation period, the conditional sentence can be converted to unconditional imprisonment. A conditional prison sentence always leads to an entry in the offender's criminal record.

### Community service

Community service of a maximum of eight months can be ordered as an alternative to imprisonment. The offender is sanctioned to work a certain number of hours during his/her free time. The work time can range from 20 to 200 hours in batches of 3–4 hours at a time, usually twice a week. It is forbidden to turn up for community service work under the influence of intoxicants. The community service is monitored, and failure to complete the sanctioned work can lead to imprisonment.

### Monitoring sentence

A monitoring sentence is a new type of sanction. In terms of severity, it falls between community service and unconditional imprisonment. The offender must remain in his/her apartment whenever he/she has no acceptable reason to leave it. A monitoring device is attached to the offender's ankle in order to keep track of his/her movement. A monitoring sentence also includes a requirement of full sobriety, which is monitored by means of breathalyser tests and drug tests when necessary. If the offender violates the terms of the monitoring sentence, he/she may be sent to prison for the remainder of the sentence.

### Unconditional imprisonment

An unconditional prison sentence can be executed in a closed facility or minimum-security prison. The length of a fixed-term prison sentence can range from 14 days to 12 years. An unconditional prison sentence always leads to an entry in the offender's criminal record.

### Settlement

Settlement is not a sanction. In settlement, the offender and victim negotiate face-to-face in order to settle the matter. The offender must commit to compensating the damage caused, usually by means of payment but sometimes also by work. Successful settlement can reduce the offender's sentence or lead to dropping the charges altogether.

### Compensation for pain and suffering

The purpose of compensation is to cover the damages sustained by the victim. Apart from material damage, compensation may also be payable for pain and suffering. In this questionnaire, compensation refers to the sums payable for pain and suffering (not the coverage of material damage).

## Driving ban

In the case of certain traffic violations and driving while intoxicated, the driver can be sanctioned to a fixed-term driving ban.

**Appendix 3** Laypeople's punishment preferences on a scale of 1–7: influence of the respondent's gender, age, education, income level, prior victimisation, and additional information, standardised regression coefficients (\* =  $p < 0.05$ ; \*\* =  $p < 0.01$ ).

	<i>Violence in a public place</i>	<i>Sexual intercourse with a child</i>	<i>Forced sexual intercourse with someone who was asleep</i>	<i>Violence in a close relationship</i>	<i>Trafficking and selling cocaine</i>	<i>Fraudulent avoidance of taxes</i>	<i>Driving under the influence of intoxicants</i>
<i>Male</i>		0.12**					
<i>Age</i>	0.15*		-0.17**		0.16**		
<i>Years of education completed</i>							
<i>Net monthly income</i>				-0.09*			
<i>Unemployed</i>							
<i>Retired</i>							
<i>Student</i>				0.09*		0.11**	
<i>Not in the labour force for another reason</i>							
<i>Did not vote</i>	0.15*						
<i>National Coalition Party</i>							
<i>Swedish People's Party</i>							
<i>Centre Party</i>							
<i>Finns Party</i>							
<i>Christian Democrats</i>					-0.12*		
<i>Green League</i>							
<i>Social Democratic Party</i>							
<i>Left Alliance</i>			0.12*				
<i>Other</i>							
<i>Cannot/Will not say</i>	0.13*						
<i>Has been a victim of a property or violence offence</i>							
<i>Received additional information</i>							0.09*

**Appendix 4** Percentage error margins per percentage and sample size (95 % confidence interval)

PERCENTAGE CALCULATED from sample	SAMPLE SIZE				
	1,150	1,200	<b>1,250</b>	1,300	1,350
2 or 98	0.8	0.8	<b>0.8</b>	0.8	0.7
5 or 95	1.3	1.2	<b>1.2</b>	1.2	1.2
10 or 90	1.7	1.7	<b>1.7</b>	1.6	1.6
20 or 80	2.3	2.3	<b>2.2</b>	2.2	2.1
30 or 70	2.6	2.6	<b>2.5</b>	2.5	2.4
40 or 60	2.8	2.8	<b>2.7</b>	2.7	2.6
50	2.9	2.8	<b>2.8</b>	2.7	2.7