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An examination of the influence of gender in juvenile offending, patterns of crime, sentencing and public opinion. an exploratory study of public opinion on the sentencing of male and female juvenile offenders and an examination of the respondents gender

Sarah J. Welch

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An Examination of the Influence of Gender in Juvenile Offending, Patterns of Crime,
Sentencing and Public Opinion.

An Exploratory Study of Public Opinion on the Sentencing of Male and Female Juvenile
Offenders and an Examination of the Respondents Gender

Sarah J. Welch

A report submitted in Partial Fulfilment of the Requirements for the Award of Bachelor of
Arts/Science (Psychology) Honours, Faculty of Computing, Health and Science,

Edith Cowan University

Submitted (October 2008)

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**An Examination of the Influence of Gender in Juvenile Offending Patterns of Crime,
Sentencing and Public Opinion.**

Sarah J. Welch

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Sentencing and Public Opinion.

Abstract

The aim of this literature review was to examine public perception of juvenile crimes, laws and sentencing practices to address whether the public were content with current punishments. It also observed the methodological issues with public opinion survey research to see whether these may influence the belief that the laws and sentencing practices were inconsistent with how the public wanted juveniles to be punished. The review also examined whether the gender of the juvenile offender influenced the types of crimes committed and the types of punishments sanctioned by the courts. Additionally, it observed whether the demographics of the respondent, victim or offender influenced how the public perceived the effectiveness of sentencing and seriousness of the crime, with close attention to gender. It concluded suggesting that future research needs to examine if the public are as punitive as research suggests and if the public perceive different punishments for males and females as research in this area was limited.

Sarah J. Welch

Deirdre Drake

25th August 2008

An Examination of the Influence of Gender in Juvenile Offending Patterns of Crime,
Sentencing and Public Opinion.

In Australia, statistics indicate that juveniles tend to commit approximately double the amount of crimes than adults (Australian Institute of Criminology [AIC], 2006, 2007). Overall the amount of juvenile crime has decreased since 1995. However, statistics also show that juvenile crime has risen by 11% since 2003 (AIC, 2006, 2007). In light of these statistics, recent studies have focused on the means in which the public assess the sentencing of juveniles, a person aged between 10 and 17 years, who commits a crime (Creechen & Silverman, 1995), and have concluded that the public have generally been discontent with the leniency of punishments sanctioned for serious juvenile offending (Indermaur, 1990; Roberts, 1992; Roberts, Stalans, Indermaur, & Hough, 2003). Other research has also indicated the media broadcasts of more serious juvenile offences may be influencing the public's perception and promoting discontent and a need for harsher penalties (Doob & Roberts, 1984; Lundman, 2003; Sprott, 1996).

These findings raise concern because public opinion research in the US and Canada has shown that the public's perception of juvenile offending influences policymakers' decisions when implementing new laws and amending old ones (Baron & Hartnagel, 1996; Schwartz, 1992; Schwartz, Gou, & Kerbs, 1993). For instance, specific Acts outlined in the *Canadian Young Offenders Act* (1984) were amended in 1986 and 1992 due in part to the public's reaction to media broadcasts about serious juvenile crimes (Baron & Hartnagel, 1996). However, in Australia systematic research on public opinion of juvenile crime has been rarely obtained. Rather, judicial or political perceptions of the public's opinion of crime and punishment are applied to, and exert, a

greater influence on criminal justice policy than actual public opinion (Baron & Hartnagel, 1996; Indermaur, 1987; Indermaur, 1990; Roberts, et al., 2003; Stalans & Henry, 1994; Wilson, Walker, & Mukherjee, 1986). Thus, current laws on juvenile offending may misrepresent public opinion in relation to the sorts of punishment juveniles should receive for particular crimes (Baron & Hartnagel, 1996; Stalans & Henry, 1994; Wilson, et al., 1986). This then widens the gap between how the public view sentencing practices and how the court sentence juvenile offenders, which highlights the need for more research in the area of public opinion, so that laws can be amended to provide more consistency with public opinion of juveniles and sentencing (Roberts & Stalans, 1997; Tufts & Roberts, 2002).

Therefore, consideration about the factors that influence public opinion is required, as they offer a basis to understand how society reasons in terms of criminal behaviour and justice (Tufts, & Roberts, 2002). When researchers have examined how the public view the sentencing practices of the juvenile courts, some of the influences that have been studied include the demographics of the respondent; victim and offender including age, race, education level, income amount, and gender (Baron & Hartnagel, 1996; Indermaur, 1987; Schwartz, Guo & Kerbs, 1992).

However, one variable that has not been researched in depth is the gender of the offender. That is, whether the gender of the offender influences the public's opinion of sentencing. Within the juvenile court system, research has suggested that judges have more discretion in sentencing compared with the adult system. It has also indicated that the gender of the offender may have some influence on the outcome of the punishment; however the direction of the influence is inconsistent (Feld, 1997; Kupchik, & Harvey,

2003). Although the main focus of the literature review is how the public perceive juvenile offenders, it is important to examine the sentencing practices of the courts so as to provide a comparison between the judge's and the public view of juveniles and appropriate penalties.

Therefore, the current paper will examine public perceptions of crime and sentencing practices, as well as recent court research that have examined gender bias, to see whether any patterns emerge. Throughout this review, literature from many different countries will be examined as Australian studies are limited. First, research that has examined the patterns of male and female juvenile offending will be discussed to assist with understanding about what types of crimes male and female juveniles commit, and any inconsistencies between what the public perceive as frequent juvenile crimes and what the statistics show. Second, the review will discuss new laws implemented due to policymaker's perception of public opinion about juvenile sentencing and how these views are not necessarily consistent with what the public want. Third, research on how the courts deal with juvenile offenders, including possible gender biases in sentencing will be discussed. How the courts deal with juvenile offenders may then be compared with findings from studies of public opinion. Finally, public opinion research that has examined the influence of the media and demographic variables of the respondent, victim, and offender will be discussed.

Patterns of Juvenile Offending

It is important to examine the patterns and rates of juvenile offending because it may show inconsistencies in what the public perceive are the types of crimes juvenile offenders more frequently commit and the actual patterns and rates. According to the

national statistics, male juveniles commit the majority of crimes, at a ratio of five to one when compared to their female counterparts (Ogilvie, Lynch, & Bell, 2000). Although there is agreement about the proportion of crimes committed by male and female offenders, there is a disagreement about whether gender is a factor in the type of crime committed (Baffour, 2006; Francis, Soothill, & Fligelstone, 2004; Ogilvie et al, 2000).

For instance, Francis, Soothill and Fligelstone (2004) analysed 11402 life time offenders, 9235 males and 2168 females, who were all born during a four week period in 1953. The researchers examined the offenders' criminal activity through cluster analysis from 10 to 40 years of age in six different age groups. The results suggested that the patterns of offending varied markedly between male and female offenders. Specifically, the results suggested that male offenders committed a greater diversity of crimes than female offenders, and that each type of offence had a distinct age profile for males, but this was not evident for females. Also, the most criminal activity for both male and female offenders occurred during the ages 16 to 20, which would suggest high levels of juvenile crime. Francis et al.'s (2004) study suggests that it is rare for offenders to conform to the stereotypes of one type of crime. That is, the attributes of crimes such as stealing or murder, can vary considerably. Rather, offenders often commit a range of crimes that makes summarising their behaviour difficult (Gabor, 1999). The study was limited through the use of national statistics as it is widely viewed that these statistics provide only a fraction of the actual crimes committed (Francis, et al., 2006; Gabor, 1999). Lastly, during the different age cohorts, there may have been historical shifts in sentencing policies. That is, specific crimes may possibly be targeted in different years

and thus creates an illusion that more of that crime is being committed when in fact it is only a reflection of an increase in policing (Gabor, 1999)

Conversely Ogilvie, Lynch and Bell (2000) conducted a study that focused on Queensland statistics concerning juvenile offending. The results were in contrast to Francis et al. (2004) in that males and females commit comparable offences with each other, albeit at a five to one ratio. Further, the diversity of offences that females and males were committing was also similar. One may argue that this study was limited as it only examined state statistics from Queensland, however, through examination of the *Australian Facts and Figures* (2007) publication, similar results to Ogilvie et al. (2000) were evident; that is, males and females commit similar types of crimes to each other. This publication examined police annual reports from Victoria, Queensland and South Australia and thus gives a more rounded view of Australian patterns of juvenile offending. As the methodology differs in the collection of data for the three discussed research articles, it may be suggested that the results of the studies were influenced by how the researchers examined the national statistics (Gabor, 1999). For instance, Francis et al. were using statistics that were derived from police data and were specific to particular offenders, whilst Ogilvie et al. were examining juvenile statistics in general. The contrast may also be influenced because the research was conducted in two different countries. Francis et al. focused on juvenile offenders in the UK whilst the other two articles presented focused on Australian data. Thus, there may be different situational or opportunity contexts that uniquely affect the types of crime committed by male and female offenders (Ogilvie et al., 2000). Therefore, through examination of the patterns of juvenile offending, the national statistics in Australia suggest that male and female

juveniles commit similar crimes; however there are a number of articles that report contrasting results for different countries (Baffour, 2006; Francis et al., 2006).

Along with research that has focused on the differences in the patterns of male and female juvenile offenders, research has further focused on whether juvenile offences are becoming more serious (Doob & Sprott, 1998; Gabor, 1999). Public opinion research suggests that the public believe that not only are juveniles committing more offences, but that these offences are genuinely more serious and violent (Schwartz, 1992; Schwartz, et al., 1993). The *Facts and Figures* (2007) publication reports that in the past five years, juveniles rate of offending has increased by 11%. Further, the number of assaults that both males and females are committing is increasing, however it is not clear whether the assaults are becoming more violent or serious. A Canadian study examined the seriousness of juvenile crimes and suggested that the public's perception that juvenile crime was becoming more serious was not consistent with actual police statistics (Doob & Sprott, 1998). Rather that there had been an increase in the number of minor assaults and not necessarily serious assaults that occasioned bodily harm.

However, there were a number of key problems with the study's methodology. Like Francis et al. (2006), Doob and Sprott (1998) examined only police statistics to measure the official response to assaults in Canada. A study by Carrington (1998) suggested that young offenders aged between 12 and 15 years were treated more leniently than older juveniles by the public and police and thus provides evidence for the limitations of national statistics. However, it may be argued that police and community members would be less forgiving to juvenile offenders that commit serious or violent offences (Doob, & Sprott, 1998). Therefore, the public's belief that crimes committed by

juvenile offenders are becoming more serious and violent may not be justified but rather, more minor offences by juveniles may be going unreported.

Finally, although there has been an increase in the number of assaults committed by juvenile offenders, males are still more likely to commit more serious assaults (Doob & Sprott, 1998; Indermaur, 2000). Consequently, it may be argued that gender does somewhat seem to be related to the seriousness of juvenile crimes. Vandiver and Teske (2006) conducted a study that focused on male and female sex offenders and suggested that there were differences in the offence characteristics and the reason why males and females committed the offence. Subsequently, although there is research that suggests that overall male and female juvenile offenders commit similar crimes to each other, gender seems to be a variable in the seriousness of the offences male and female juveniles commit (Baffour, 2006; Vandiver & Teske, 2006). Gender also seems to indicate a difference in male and female psychological motivations for offending behaviour (Timons-Mitchell, Brown, Schulz, Webster, Underwood, & Semple, 1997). Therefore, it may be argued that for males and females to reform, different programs and services after sentencing may be required that take into account gender as an influence for offending (Vandiver & Teske, 2006).

How the Laws View Juvenile Crimes

It is important to recognise how the law processes young people who commit crime because it allows for any discrepancies between the law and public in how they define and punish juveniles to become apparent. In the US, Australian and British justice systems, juvenile offenders are processed separately to adult offenders (Bartholomew, 1998; Dawson, 1990). These differences in treatment include law enforcement, court

proceedings, informal and formal probation and juvenile correctional processes (Dawson, 1990). The main rationale behind the separation between the adult and juvenile systems was that juvenile offenders commit crime for different reasons than their adult counterparts. Due to this, policies reflected the belief that the behaviour of a young offender provides indications of psychological, familial and/or social problems for which therapeutic, or rehabilitative measures were recommended as more appropriate for addressing punishment, rather than harsh punitive measures (Bartholomew, 1998; Hollin, 1992).

However, legal, criminological and psychological cohorts have criticised a number of assumptions about juvenile offending. In particular, three main areas of concern have been first, whether there is in fact a fundamental difference between juvenile offenders and adult offenders, second if the more rehabilitative approach is required when sentencing juvenile offenders, and third whether the juvenile justice system provides offenders with an appropriate environment that the offender learns from (Bortner, 1986; Braithwaite & Shore, 1981; Dawson, 1990; Hollin, 1994).

In some US and Australian jurisdictions, criticisms concerning the treatment of juvenile offenders have been responded to with specific legislation that excludes some young people from being tried as juveniles (Blazey-Ayoub, 1996; Dawson, 1990; Stalans & Henry, 1994). These specific changes take into account the age and criminal career of the offender as well as the type of offence committed as justification for denying the young person access to juvenile sentencing (Stalans & Henry, 1994). This process is known as offence-based legislative transfer. These changes represent a shift in the treatment of young offenders which may be due in part to public opinion surveys that

report that the community is discontent with the lenient sentences received by juveniles (Bartholomew, 1998; Baron & Hartnagel, 1996; Roberts, 1992; Schwartz, 1992; Tufts & Roberts, 2002).

Conversely, a study by Stalans and Henry (1994) that focused on how the society in the US state of Georgia viewed juvenile murderers being tried in adult courts, argued that the simplicity of the offence-based legislative transfer may not be in line with the publics' view of juvenile punishment practices. This was because the results of their two studies reported that the public was influenced by contextual sensitivity such as a history of abuse by the person they murdered, particularly if they were a parent. Stalans and Henry also argued that how the law sentence juveniles and how the public believe juveniles should be punished has been misconstrued by public research that has relied on abstract questions (Schwartz, 1992). Therefore, more research is required to establish if there are other underlying variables, like history of abuse, that influence public opinion of juvenile sentencing.

Despite this, the notion of offence-based legislative transfer contends with the *doli incapax* defence. The West Australian Criminal Code (1988), section 29 outlines the concept of *doli incapax* which states that young people aged between 10 and 14 years can only be held criminally responsible if it is proven that at the time of their actions they had the capacity to comprehend that their actions were wrong. The term "capacity" is usually used in criminal law to explain the mental ability of an individual to develop a criminal intent (Gunn & Taylor, 1993). This common law principle recognises that some young people do not have the cognitive maturity of adults, which may be due to developmental, social and/or familial factors (Bartholomew, 1998; Blazey-Ayoub, 1996). However,

courts in more recent years have begun an important period of reinterpretation of the principle of *doli incapax* (Blazey-Ayoub, 1996). That is, research suggests that more young people aged between 10 and 14 years are being found capable of comprehending the wrongness of their actions and therefore punished (Bartholomew, 1998; Urbas, 2000).

However, the concept of defining a minimum age has been widely criticised due to a discrepancy between different countries (Bartholomew, 1998; Blazey-Ayoub, 1996; Urbas, 2000). Urbas (2000) concluded that the minimum age of criminal responsibility often differs extensively due to the history and culture of the defining country. Urbas also stated that although research about a young person's cognitive and moral development is important in establishing criminal responsibility; there seems to have been no stringent scientific technique applied to define the age at which all young people have the capability to comprehend the seriousness of their criminal behaviour. Regardless of the criticism, most researchers agree that the mental capacity of a child is important when establishing provisions concerning criminal responsibility (Bartholomew, 1998; Blazey-Ayoub, 1996; Urbas, 2000). Public opinion research seems to be consistent with this notion, as the age of the offender has been found to influence the punitive responses from participants, with younger offenders' less likely to receive a harsh penalty to older juveniles (Schwartz, et al., 1993).

Thus, it can be seen that the current laws have been influenced by public opinion surveys about juvenile crime. However, it is still not completely understood if the public want rehabilitative or punitive sentencing practices for juvenile offenders. Stalans and Henry's (1994) study concerning offence-based legislative transfer is a clear example of how the law and public's beliefs are inconsistent with each other and how more

research concerning particular types of crimes is required to provide a comprehensive account of public opinion. Moreover, the defence of *doli incapax* seems to have substantially less influence as a defence as more young offenders are being punished, yet it is not clear how serious the penalties are for younger offenders. This then leads to how the court sentence juvenile offenders and what influences the outcome of the sentence.

Sentencing Practices for Male and Female Juvenile Offenders

How the courts sentence juvenile offenders is a topical area with many contrasting models as to how males and females are punished. In light of some highly publicised juvenile cases, such as in the James Bulger case (Turner, 1994), there has been an increase in research that examines how the public view sentencing practices (Lambert, Jiang, Jin, & Tucker, 2007; Schwartz, 1992). As most research generally describes a heightened fear of juvenile offenders from the public, policymakers have attempted to shift the purpose of the juvenile justice system from rehabilitation to accountability and punishment, which were often ascribed as goals of the adult system (Feld, 1989; Feld, 1997; Kupchik, & Harvey, 2007; Roberts, et al., 2003). For example, due to public reaction in Western Australia, mandatory sentencing was introduced for repeat juvenile offenders in 1992. However, these laws were later abolished and replaced by the “three strikes” statute which was aimed at juveniles who committed repeated home burglaries (Roberts, et al, 2003).

Although mandatory sentencing is part of the juvenile legal system, the West Australian *Young Offenders Act* [YOA] (1994), section 120, stipulates that juvenile offenders can not receive a custodial sentence, unless the court gives appropriate reasoning for overlooking the option to assign a community order. That is, custodial

sentences are viewed as the last resort and rehabilitative measures are more suitable for sentencing juvenile offenders. Additionally, some researchers have argued that judges have greater discretion when sentencing juvenile offenders in the children's court (Kupchik, & Harvey, 2007). These researchers have suggested that through confidentiality provisions, the juvenile courts are protected from public examination and accountability, as most cases do not allow public entrance or jury trials (Feld, 1997; YOA, 1994).

For example, a study by Kupchik and Harvey (2007) examined the differences in criminal and juveniles courts when sentencing young offenders, by comparing cases from New York and New Jersey and exploring any biases within the courts, when sentencing males and females and different ethnic groups. The study reported that in the juvenile courts, a broader range of information, such as behaviour at school or home, cultural backgrounds, and the history of offences previously committed by the offender, were considered by judges. However, when sentencing a juvenile in a criminal court, the procedural safeguards were more stringent and focused on the crime that was being presented. The researchers concluded however, that although more information was discussed, the similarity in the sentences sanctioned across the two courts meant that the impact of these different procedures were limited.

Furthermore, Kupchik and Harvey (2007) reported that both race and gender had a significant influence on punishment outcomes. Males were more likely to receive incarceration than females for the same type of crime in both the criminal and juvenile courts. However, this study can not be generalised to larger populations which may contribute to different results and as it is an American study, differences in laws and

patterns of juvenile crimes makes it difficult to generalise it to the Australian juvenile population. In addition, it may be important to examine prior steps involved in the courts that may influence what crimes are sentenced, such as the arrest stage and not only the differences in sentencing outcomes.

Other research has supported the results of Kupchik and Harvey's (2007) study, in that it is believed that gender stereotypes influence the way that females, particularly women with children, are treated as they tend to receive more lenient sentences than their male counterparts (Steffensmeister, Kramer, & Streifel, 1993). The paternalism or chauvinistic hypothesis suggests that the behaviours of female offenders may be interpreted as less threatening because of particular gender stereotypes (Kapardis, 1997). Horowitz and Pottieger (1991) interviewed American young offenders who were living on the streets, about their involvement with the police. The results of this study were that the race of an offender was a confounding factor when assessing gender biases in the criminal justice system (Horowitz, & Pottieger, 1991). Specifically, during the arrest stage of the criminal process, black male offenders were more likely to be arrested on drug charges than were black female or white male and female offenders. However, white male offenders were still arrested more than black and white female juveniles. This would then suggest an influence of gender at the arrest stage of the criminal process; however, Horowitz and Pottieger argued that because males commit more visible crimes, or drug offences than females, this may affect the levels of arrest. Further, at the sentencing stage concerning petty property crime, male offenders were more likely to be sentenced to detention centres than were female. However, the researchers did not address particular issues relating to juvenile justice bias, in particular court structures and

philosophies like Kupchik and Harvey (2007) but rather focused on self reports from juveniles living on the street. Thus, the reliability of the responses may be questionable due to the participant's history of misleading authority figures. Nonetheless, overall the study complemented Kupchik and Harvey in that it focused not only on sentencing bias, but also arrest stages and found support for the paternalistic hypothesis.

Other studies conducted in different countries such as New Zealand and Australia have further supported the paternalistic hypothesis (Ogilvie, et al., 2001; Jefferies, Fletcher, & Newbold, 2003). Conversely, researchers have suggested that the opposite of the paternalistic hypothesis is true, in that males receive more lenient punishment outcomes than females who commit similar crimes (Daly, 1987; Roberts, 1992). Again this theory, commonly known as the "evil women" hypothesis, is based on gender stereotypes and argues that women, who commit violent crime, are perceived as deviating from "normal" feminine behaviour and therefore, are punished more punitively than males (Gaarder & Belknap, 2002).

For instance, a study by MacDonald and Chesney-Lind (2001) focused on the Hawaiian juvenile court system and how seriously male and female juvenile crimes were viewed as being, and how they were punished. Data were derived from the National Court Data archive and consisted of all the juvenile court records in Hawaii from 1980 to 1991. It should be noted that the type of crime reported may reflect the age of the data as the pattern of offending is consistently changing (Gabor, 1999). The researchers analysed both delinquent and status offenders. A delinquent was defined as a juvenile who commits crimes also committed by adults, whilst status offences are juvenile only crimes such as running away from home (MacDonald, & Chesney-Lind, 2001). Gender

differences were examined at the petition, adjudication, and disposition stages of the process.

Macdonald and Chesney-Lind (2001) suggested that firstly, at the earlier stages of the decision making process, the seriousness of the charge was reported to influence whether male and female offenders were petitioned. That is, both male and female juvenile offenders were more likely to be petitioned for a serious offence. When the later stages of the decision making process were examined, the seriousness of the offence seemed to affect females more severely than males with females who were found guilty of committing an offence receiving more restrictive and punitive sanction than males who were found guilty of a more serious offence. Thus, the results of Macdonald and Chesney-Lind's research provide support for the "evil women" hypothesis.

However, there are researchers that argue that there is no gender bias as the equal treatment hypothesis theorises and although there is often a difference in how male and female offenders are treated, this can be explained according to the defendant's prior record and the severity of the offence (Daly, 1987; Saulters-Tubbs, 1993). For instance, Saulters-Tubbs (1993) compared gender bias theories focusing on the judicial treatment of female narcotic offenders. The results suggested that there was no difference between how male and female offenders who were arrested for narcotics were sentenced.

One reason for these contrasting models may be because the courts are practicing a concept known as gender responsiveness because initially the justice system was established to deal with mainly male offenders (Morton, 2007). Gender responsiveness is the development of new services and programs that were designed primarily for female adult and juvenile offenders (Morton, 2007). For instance, in America, specific types of

community services were constructed to distinguish between the needs of male and female offenders (Morton, 2007; Chesney-Lind & Shelden, 2004).

A study by Gaarder, Rodriguez and Zatz (2004) examined the perception of female young offenders held by juvenile justice officers, psychologists and others involved in imposing juvenile sentences in Arizona. The results suggested that gender and ethnic stereotypes leaves girls few options for treatment and services in the juvenile criminal system. Further, some juvenile officers disliked working with female offenders and had little understanding of culturally or gender-specific programming. Others were frustrated with the lack of programming options for females in the state. Like other researchers (Chesney-Lind & Shelden, 2004), Gaarder et al. (2004) theorised that females should be treated differently to males after being sentenced as it was argued that similar to culture, gender shapes and influences an individual's thoughts, motivations and reasons why they commit certain crimes.

Therefore, the gender of the juvenile offender and court outcomes have been extensively researched and show that there seems to be a difference in how courts sentence male and female offenders. Conflicting models suggest that males are either treated more punitively or less harshly than females, however, this may be due to the practising of gender responsiveness or the discretion of the judges to impose sanctions on juvenile offenders (Chesney-Lind & Shelden, 2004; Kupchik & Harvey, 2007). It was also reported that the public opinion has influenced the sentencing structure of the juvenile system, yet it has not been verified whether this is what the public actually want.

The Public and Sentencing Offenders

The relationship between the public's opinion and criminal justice policies has increased criminologist's interest in public opinion research (Baron & Hartnagel, 1996). Roberts (1992) suggested that it was apparent that judges, magistrates, politicians and public official's beliefs about the communities' opinion influence criminal justice policy. However, Wilson et al. (1986) argued in Australia, the disagreements between judges in different states and territories, concerning sentencing outcomes for the same crime, appear to dispute this claim, suggesting that more public opinion research is required so to understand how the public perceive juvenile crimes, rather than focusing on how policymakers perceive public opinion.

When public opinion research has been conducted in Australia, Canada, New Zealand, the US and the UK, researchers have generally found a widespread dissatisfaction with the leniency of sentencing practices (Flanagan & Longmire, 1996; Indermaur, 1990; Roberts & Stalans, 1997; Roberts, et al., 2003). Roberts (1992) suggested that public officials' interpretation of public opinion surveys may be incorrect. In support of this suggestion, it is necessary to provide the limitations discussed in current research. It is argued that many studies are often based on very simple surveys that elicit simple responses that may lead to a particular response (Lambert, et al., 2007; Payne, Gainey, Triplett, & Danner, 2004). Other studies ask participants to respond to a question about crime and crime control with a stereotype of how they perceive a "typical offender" (Roberts, 1992). However, the public's stereotypical perception often involves violent offenders and thus, when the participant replies to questions regarding the sentencing of all offenders, they respond that there is need for harsher penalties (Indermaur, 1987). It has also been argued that the public's perceptions of crime are

influenced by the media's clear bias towards reporting violent and serious offences (Lundman, 2003). The media's one sided stories often focus on the outcome and seriousness of the crime without reporting information surrounding the background of the case or offender (Bessant & Hil, 1997; Sprott, 1996). This information may be important if the public is to comprehend the entirety of the case and be able to evaluate whether the justice system handled the case correctly (Bessant & Hil, 1997; Sprott, 1996). Research has been conducted on the media's influence on the public focusing primarily on the information presented to the public.

The Media and Public Attitudes

Some research that has been conducted on the media's influence on public attitudes has reported clear results. For instance, Doob and Roberts (1984) conducted a series of studies that investigated the Canadian public's view that courts were too lenient when sentencing criminal offenders. Doob and Roberts hypothesised that the reason for this view was because the public received different information than the trial judge and often, the information received was based on misinformation. In a between-subject design experiment, the researchers compared how participants reacted to different accounts of four separate cases. In three of the four conditions, Doob and Roberts presented some participants with more than one newspaper account and others with the court based documents. In the fourth condition, participants were presented with different newspaper accounts for the same case. The results suggested that participants' evaluated the sentence differently according to the actual account of the case they read (Doob & Roberts, 1984). Moreover, it was reported that the participants who read the transcript of the court outcome, were more likely to regard the sentence given to the courts as

appropriate than were participants who read the newspaper accounts. Thus, the results of this study suggest that the information that is being provided to the public is leading them to believe that case outcomes are too lenient (Doob & Roberts, 1984). When the public are given more complete accounts of the same cases, the respondents were significantly more content with the decisions of the trial judge. However, Doob and Roberts did not provide any information about what type of cases they were examining and thus makes it difficult to generalise to all crime types.

Another study by Sprott (1996) recruited 198 Canadian participants' to complete a survey detailing their opinion about juvenile crime. Sprott also examined 51 court case outcomes and 113 newspaper articles because like Doob and Roberts (1984), he/she argued that the public did not receive enough information required to develop sufficient understanding of how juveniles were sanctioned. This was evident when the newspaper accounts were compared to the court outcome descriptions as the newspaper stories reported information about the crime and impact of the crime, whilst the court case descriptions focused more on the charge, the youth and justification for the sentence. Sprott concluded that the information the public received from the media was biased towards the impact of the crime, rather than providing background information required by trial judges to sentence a juvenile offender. In regards to the public opinion surveys, the majority of the respondents' believed that juvenile punishments were too lenient. It was suggested that the respondents who thought that juveniles were sanctioned too leniently, were basing their opinion on repeat or violent offenders, whilst respondent who were content with the sentences were reported to be thinking about the first time

offenders or young offenders in general. Therefore, Sprott concluded that the media shapes how the public perceive juvenile offenders.

Thus, the public's opinions about sentencing is shaped more by what the media reports rather than what happens in a court proceeding (Doob & Roberts, 1984; Lundman, 2003). The sentence of the defendant is not what the public is reacting to, but rather the context in which the sentence is reported. This would then suggest that policy makers should not interpret the public's punitive opinions at face value; but rather understand this prevalent perception of leniency is founded upon incomplete and inaccurate news accounts (Doob & Roberts, 1984; Lundman, 2003; Sprott, 1996). Furthermore, one point to highlight is that research by Lundman (2003) reported that homicides committed by male offenders, specifically black male offenders, were significantly more likely to be presented by the news media than female offenders. Thus, suggesting that the media plays on social stereotypes and fears by presenting cases that are thought by the public to occur most frequently. This then may also impact on what the public perceive as the common offender. Along with the how the media influences public opinion; research has examined the demographic variables of the participant's, the victim and the offender to see whether these also impact on sentencing discrepancies between the public and the courts.

Research Concerning the Demographics of the Public

Although the main focus of this review is to examine the influence of the offender's gender in court and public sentencing practices, it is important to examine what influences the public's opinion, so to provide a better analysis of public opinion research and also gain an insight into how the public establish an opinion. Thus,

particular demographics of the respondent such as age, race, and gender, level of education, parental status, victimisation and fear of crime are regularly recorded so to observe whether they impact the responses provided on surveys (Kern, Libkuman, & Temple, 2007; Schwartz, et al., 1992). A study by Indermaur (1987) examined how the West Australian public perceived how the courts sentenced offenders and asked participants to provide their age, gender, income, and asked questions relating to fear of crime. The results suggested that generally, the public overestimated the amount of serious and violent offences committed in Perth. Further, those who had a fear for crime were more likely to want more punitive sentencing practices than those who did not. Finally, when the demographic variables were examined, gender was the only variable to have a significant influence on the response accuracy and knowledge concerning violent crimes. Specifically, females were more likely to overestimate the amount of violent crimes occurring in Perth and therefore recommended more punitive punishments for offenders than males. It could be argued that due to female victimisation, their perception of crimes is heightened.

Conversely, a study by Baron and Hartnagel (1996) demonstrated that the gender of the respondent did not make a significant difference in how the public viewed juvenile offenders and sentencing outcomes. The methodology of this study was different to Indermaur's (1987) as it integrated the use of a simplistic survey format which can produce more punitive responses and less understanding of the public's opinion concerning juvenile offenders. Baron and Hartnagel also reported that the community overall supported harsher penalties for juvenile offenders including being tried in adult courts and a curfew for juveniles under 16 years. The researchers focused on a number of

other variables including fear of crime, political views, victimisation, age and race. Education and political views were the only two variables that seemed to influence the public's opinion of sentencing practices. Unlike Indermaur (1987), fear of crime was found to have no significant influence on the punitive responses of the general questions. One might argue that Indermaur (1987) was focusing on Australian participants and also violent adult offenders whilst Baron and Hartnagel did not focus on one type of offender, rather juveniles in general and also focused on the Canadian community.

However, Schwartz, et al.'s (1992) study on public perceptions of how juveniles are sentenced, reported that fear of crime was a significant indicator of punitive response levels, with the participants who were fearful of crime being more punitive in their sentencing of juvenile offenders. The results also indicated a relationship between sentencing, gender, age and ethnicity. Further, although the public generally believed that the amount of serious and violent crimes was being committed more regularly by juveniles, the results were inconsistent with Baron and Hartnagel (1996) in that the public thought that the purpose of the juvenile court should remain concerned with treatment and rehabilitation, rather than focusing on punishment. One reason for this could have been that Schwartz et al. (1992) was focusing on more detailed questions relating to specific types of crimes. The results also suggested that the public supported juveniles accused of serious or violent offences being tried in adult courts, but not sentenced to adult prisons. This may be due to the public's perception of guilt in that they perceive juveniles who commit severe crimes, capable of understanding their actions. Results concerning level of education were consistent with Baron and Hartnagel (1996) in that

participants who had completed higher levels of education were less likely to support the idea of sentencing juveniles in adult courts or to adult prisons.

Therefore, by examining previous literature, it can be seen that specific demographic variables of participants seem to influence how punitive their thoughts about the sentencing of juvenile offenders are (Golding, Yozwiak, Kinstle, & Marsil, 2005; Lambert, et al., 2007; Payne, et al., 2004). Some studies have suggested that this is not the case (Baron & Hartnagel, 1996; Schwartz, 1992); however it may be that methodological issues such as the simplicity of the surveys may account for these inconsistent results. Age, gender, race, parental status, fear of crime and victimisation have all been reported as possible influences on public opinion (Payne, et al., 2004; Schwartz, et al., 1993). Research has further suggested that, in hypothetical scenarios, the demographics of the victim and the offenders maybe important (Applegate & Davis, 2006; Herzog, 2003; Roberts, et al., 2003).

Demographics of the Victim and Offender

When examining characteristics that influence the courts and sentencing practices, research has suggested that the gender and race of the offender may influence the outcome of the punishment (Horowitz & Pottieger, 1991; Kupchik & Harvey, 2007). However, it has also been suggested that the public and the courts have inconsistent views about what suitable punishments are. Thus, it is important to examine whether the demographics of the offender influences how the public sentence juveniles. One such study by Applegate and Davis (2006) focused on how the public viewed sentences given to juvenile murderers, examining how the offence, demographics of the victim and offender, and perceived maturity of the offender influenced the penalty imposed. The

results suggested that the public was influenced significantly by the circumstances surrounding the offence. That is, a number of different murder scenarios were presented, including manslaughter and murder with no surrounding circumstances; however the most severe type of murder presented, robbery murder with additional aggravating circumstances, received the most punitive responses from the public. Further, responses were influenced when the offender was described to have a violent criminal record. It should be noted that there was no mention of whether the gender or race of the offender or victim influenced the outcome of sentencing. Hence, it is assumed that gender and race were not significant; however, it could possibly be due in part to the severity of the cases described that may have outweighed any influence of gender or race of the victim or offender.

In a study by Schneider, Soh-Chiew and Aronson (1994) the victim of a sexual assault was found to influence how the respondents viewed the seriousness of the offence and therefore type of penalty appropriate for the crime. Both male and female participants agreed that female assault victims were more blameworthy for their assault having instigated the rape more than male assault victims. This then shows that the type of offence committed may be influential on how the victim is viewed by the respondents and therefore it may be important to research different crimes in regards to victim influence as well as examine offender characteristics, like gender, to observe whether the public perceive the seriousness of the crime committed differently.

Durham, Elrod and Kinkade (1996) studied offender demographics and public support for the death penalty. Durham et al. (1996) varied the harshness of the offence, victim-offender relationship, previous abuse, offenders' prior record, gender, race and

age within 34 vignettes. The results suggested eight characteristics reduced punitive sentencing. They were; the offender being intoxicated; male prostitution; a young offender; no prior record involving violence; childhood history of abuse; offender's life having been threatened; crime of need; and the murder of a wife after the husband found her in bed with another man. Gender, race, the brutality of the crime and the weapon that was used did not seem to impact on public opinion of the death penalty. One limitation of Durham et al.'s study was that they did not systematically vary all of the variables and thus the independent effect of the variables were not able to be examined in regards to punishment preferences. Thus, possible influences of gender or race were unable to be examined. Additionally, the amount of detail presented in the vignettes may have inadvertently led the participants' to focus on particular aspects of the offence, including type of abuse, rather than race or gender of the offender.

In contrast to Durham et al.'s (1996) study, many researchers suggest that the public are influenced by the race of the offender (Herzog, 2003; Hurwitz & Peffley, 1997; Roberts, et al., 2003). In particular, Hurwitz and Peffley (1997) conducted a study that focused on racial stereotypes. The results suggested that when all other variables were controlled for, such as type of offence and gender, a strong relationship was found between how White Americans judged African Americans who committed violent crimes. Thus, Hurwitz and Peffley concluded, like many articles that public opinion was influenced by racial concerns.

Consequently, it could argued that there may be an influence of gender if all other variables, like race, child abuse, age, type of crime and other background variables of the offender and victim were controlled for. From the literature examined, there was no

article that attempted to examine gender separately. Research that has focused on juvenile offending, often attempts to examine such demographic variables as age and race. Gender is a complex characteristic and along with culture and other influences, shapes and builds an individual's thoughts (Beutel & Marini, 1995). Thus, more research is required to examine if the gender of the offender influences how the public punish juveniles so to verify whether the public's views are consistent with how the courts sanction male and female juveniles. Future research is also required in Australia as research into juvenile offending is limited. Finally, more sophisticated research designs that implement the use of vignettes or less simplistic surveys need to be employed so to adequately measure the public's sentencing opinions.

In conclusion, this summary of research examined public opinion in regards to many areas of juvenile crime. First, the types of offences committed by juvenile offenders were described. Research suggested that the public believes that juveniles are committing more serious and violent crimes, however statistics are inconsistent with this public belief (Doob & Sprott, 1998; Ogilvie, et al., 2000). Research was also inconsistent about whether the gender of the offender influenced the types of crimes males and females commit, however it was suggested that it may influence the reason why males and females commit crime and the seriousness of the crimes. Next, it was suggested that public opinion research has influenced old laws being amended, although research has reported that the public's opinion of the laws is not necessarily consistent as limitations of current survey research, including methodological features and limited Australian research may generate this belief. Also, gender was reported to be a variable; along with race, that influences how the courts sentence juvenile offenders. However, current survey

research does not suggest that gender influences how the public sentence juveniles.

Future research may wish to examine if the public's opinion is also biased by gender and whether the public are as punitive as policymakers' believe.

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**An Exploratory Study of Public Opinion on the Sentencing of Male and Female Juvenile
Offenders and an Examination of the Respondents Gender**

Sarah J. Welch

Abstract

Recently researchers have reported that the gender of juvenile offenders influenced the outcomes of the punishments sanctioned by the courts. However, paucity in the research exists that examines how the public perceive appropriate punishments for male and female juvenile offenders. Due to the public's influence on social policy, the current study examined if the public perceived that there was a need for different sentencing practice for male and female juvenile offenders. Further, the study aimed to examine whether there was a difference between male and female participants' perception of crime as previous research has been inconsistent on this topic. Sixty one participants, 27 males and 33 females, were recruited to read one of two versions of a crime-based vignette and complete a survey. Participants were asked to rate how serious they viewed the offence and how severe a required punishment should be. A qualitative measure was also included to supplement the quantitative data. Results indicated that the participants in the study were not influenced by the gender of the perpetrator in how serious they viewed the offence or the severity of the required punishment. The qualitative component which was examined for themes and converted to percentages supported non gender specific sentencing practices. Further, the responses provided by male and female participant did not significantly differ on the Likert scales; however the qualitative component suggested some discrepancies. These results were discussed in relation to previous research and implications were also presented.

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An Exploratory Study of Public Opinion on the Sentencing of Male and Female Juvenile Offenders and an Examination of the Respondents Gender

In Australia, recent national statistics indicate that the rate of juveniles committing crimes has increased by 11% since 2003 (Australian Institute of Criminology [AIC], 2006; 2007). Male juveniles commit approximately five times the number of crimes than do female juveniles (Oglivie, Lynch, & Bell, 2000). However, between 1995-96 and 2006-07, overall there has been a slight increase in the proportion of juvenile offenders who are female (AIC, 2007). In America, statistics suggest that between 1988 and 1997, the rate of females committing crimes has increased by about 60%, compared with 28% for male offenders (Mullis, Cornille, Mullis, & Huber, 2004). Hence, although males still commit the majority of crimes research which has traditionally focused on male offenders, has begun to examine male and female offenders in order to address gender specific issues (Flanagan, 1996).

While it is necessary to examine whether gender is important for intervention and prevention strategies, public opinion research is necessary to determine if the public are content with the laws, because their opinion influences social policy (Stalans & Henry, 1994). Some researchers suggest that opinion surveys provide policymakers with a basis for understanding what the public are prepared and not prepared to accept in terms of new or proposed legislation (Flanagan, 1996; Sims & Johnston, 2004). However, other researchers argue that legislators often have a misconception of how the public consider crime due to the failure of surveys to capture unbiased opinion (Roberts, 1992; Sims & Johnston, 2004). Although numerous survey research studies tend to indicate that the public want more punitive responses to crime, these results may have only occurred as a

result of methodological limitations of those studies such as using very simple surveys that elicit simple responses directed towards the most severe punishments (Baron & Hartnagel, 1996; Payne, Gainey, Triplett, & Danner, 2004). Nevertheless, survey research has indicated that the demographics of the respondent, such as gender, may influence the responses they provide. Further, while research has manipulated the demographics of victims of crime and offenders (Hurwitz & Peffley, 1997; Indermaur, 1990), there is currently a paucity of research that examines how the public view the types of punishments appropriate for male and female juveniles.

Gender, Juvenile Offenders and Crime

Gender is more than just an individual characteristic; it influences and shapes a person's beliefs and values and, within different social contexts, has been shown to generate different behaviours (Beutel & Marini, 1995). It has been argued that to stereotype people according to gender is difficult, because gender is recognised by some researchers as a construction of social actions, peer relationships and is accomplished through every day actions (Miller, 2002). By viewing gender as a social action means recognising that there are many different forms of masculinity and femininity that are shaped by structural positions (Miller, 2002). Furthermore, males and females may not be limited to specific gender stereotypes but rather reflect characteristics of the opposite gender (Miller, 2002). This may explain why females sometimes commit crimes which are generally considered male crimes (i.e., violent offences) as possibly such offences are associated with different types of femininity or are seen as reflective of masculine characteristics (Miller, 2002).

When research has focused on the crimes committed by male and female juvenile offenders, disagreement about whether gender is a factor in the type of crime committed is evident (Baffour, 2006; Doob & Spratt, 1998; Gabor, 1999; Ogilvie et al., 2000). For instance, a study conducted by Francis, Soothill and Fligelstone (2004) reported that the crimes male and female offenders commit were not similar. In addition, the results suggested males committed a greater array of crimes than females and that each type of offence had a distinct age profile for males, however this was not evident for females. Therefore, this suggests that the type of crime committed by an offender is influenced by their gender.

However, Ogilvie et al. (2000) suggested that was not the case. In their study, Queensland male and female juveniles committed comparable offences, albeit at a five to one ratio. Although females were more likely to shoplift than males, the figures relating to other offences (e.g., robbery and assault), indicated that overall they were committing similar crimes to males. The AIC national report, *Fact and Figures* (2007) also documented that male and female offenders commit similar crimes, with assault one of the most regularly committed. Notably, it is not clear whether assaults committed by juveniles are becoming more violent or serious, as is portrayed by the media to the public (Lundman, 2003). Therefore, when examining juveniles' patterns of offending, research is inconsistent about whether gender influences the types of crime male and female juveniles commit.

Research has also indicated that male and female juveniles have different motivations for offending (Funk, 1999; Gavazzi, Yarcheck, & Chesney-Lind, 2006; Jung & Rawana, 1999). Studies have shown that health related issues, parental and familial

problems, and post-traumatic events, such as after being abused motivate females to commit crimes. While poor social skills, financial burden and/or a prior history of offending have been shown to be motivating factors for males (Funk, 2006; Gavazzi et al., 2006). It must be noted that the above motivations for offending were not exclusive to either male or female offenders' but rather they were more common to either males or females. There were other reasons such as substance abuse and school or work issues that were reported to equally motivate criminal offending behaviour in male and female offenders (Jung & Rawana, 1999). Based on findings such as these, researchers have suggested that different programs and services after sentencing may be needed in order for males and females to adequately reform (Baffour, 2006; Vandiver & Teske, 2006).

One final difference that has been found between male and female juveniles is their psychological needs (Timmons-Mitchell, Brown, Schultz, Webster, Underwood, & Semple, 1997). Timmons-Mitchell et al.'s (1997) reported that approximately 84% of females who were within the juvenile system were identified to suffer from a mental health disorder, compared to 27% of their male counterparts. Although one limitation of this study was that it did not compare these figures to teenagers outside the justice system, it shows that there may be a need to provide females with different rehabilitative programs than males. Therefore, while males and females may commit comparable offences their motivations for offending together with psychological incongruence's indicate that there may be a need to address these differences in order for males and females to reform more fully.

Public Opinion Research and Juvenile Offending

While it is important to recognise the differences between male and female juveniles, research needs to also focus on how the public view juveniles in order to examine if their opinion is consistent with current legislation. Previous research in the US, Canada, Australia and the UK, which has examined public opinion on crime and sentencing practices, has generally found that the public are discontented with how offenders are punished (Baron & Hartnagel, 1996; Hart, 1998; Indermaur, 1990; Roberts, Stalans, Indermaur, & Hough, 2003; Schwartz & Vleet, 1992). Research findings are still relatively inconsistent because other studies report public approval for rehabilitative measures (Doob, 2000; Roberts & Stalans, 1997). These inconsistencies may be partly due to methodological limitations of survey research (Roberts, 1992). For example, Doob (2000) argued that in 1993, a general Canadian social survey indicated that approximately 77% of the population sample believed that sentences for both juvenile and adult offenders were too lenient. However, because the majority of the public had limited knowledge of the actual rules of sentencing, asking participants to respond to statements similar to “sentences are not tough enough,” is too complex as the public often do not have enough information on which to base their assessment (Doob, 2000).

Research has also indicated that when surveys are simplistic and not directed towards any specific crimes, many participants respond to the questions with their perception of a “typical offender” (Indermaur, 1987; Roberts, 1992). An American study reported that the media reports stories consistent with social stereotypes and fears by presenting cases thought by the public to occur most frequently, such as serious crimes committed by black male offenders, rather than reports of female offences (Lundman,

2003). The public's perception of what is a "typical offender" as well as the rate of offending may then be influenced by what the media's chooses to report, rather than based on factual information (Laidler, 1997; Doob & Roberts, 1984; Lundman, 2003; Sprott, 1996).

Nevertheless, public opinion research concerning juvenile and adult offending and perceptions of sentencing have indicated that there are numerous variables that impact upon survey responses (Herzog, 2003; Roberts et al., 2003; Schwartz & Vleet, 1992; Schwartz, Guo, & Kerbs, 1993) including the type of offence (Applegate & Davis, 2004), respondents' education level (Baron & Hartnagel, 1996), parental status (Schwartz et al., 1993) and age (Indermaur, 1990; Schwartz, Guo, & Kerbs, 1992). However, research has reported inconsistent findings regarding possible influences of the respondents' gender (Baron & Hartnagel, 1996; Indermaur, 1987; Schwartz et al., 1992). For example, Indermaur (1987) reported that females were more likely to overestimate the number of violent crimes occurring in Perth and therefore, were more likely than males to recommend severe punitive sanctions for offenders. Baron and Hartnagel's (1996) study did not indicate that the gender of the participant influenced punitive responses however the study was simpler in design, requiring yes or no responses to force choice questions. Findings from Schwartz et al.'s (1992) study were also inconsistent, indicating that Canadian females responded less punitively than males in regards to appropriate sentences for juvenile offenders. Therefore, this suggests that more survey research is required to address this inconsistency.

The Public, the Courts and the Gender of the Juvenile Offender

Research studies have also indicated that demographics of the offender, as well as the victim, influence the sentencing practices of the public (Hurwitz & Peffley, 1997; Indermaur, 1990; Schneider, Soh-Chiew & Aronson, 1994; Schwartz et al., 1992).

However, one variable that has not been researched in detail is whether the gender of the offender influences the public's opinion of sentencing. Two articles that examined the offender's gender in hypothetical scenarios reported that it was not a factor in recommended punishments (Applegate & Davis, 2004; Durham, Elrod, & Kinkade, 1996). However, there were some methodological limitations to these studies.

Specifically, Applegate and Davis (2004) examined public opinion on how to sentence juveniles who committed different types of murder, such as manslaughter or murder with a weapon. The researchers suggested that due to the severity of the offence, this may have outweighed any influence of the other variables that they were examining, including the gender, race and age of the offender or victim. In Durham et al.'s (1996) study, the researchers did not systematically vary all the variables under examination and thus, the independent influences of variables, such as gender, were not able to be examined. Accordingly, more research is required to examine if these limitations significantly influenced how the public viewed the sentencing practices of male and female juveniles.

Notably, the gender of the juvenile offender has been reported to influence punishments sanctioned in the juvenile court, although research is inconsistent concerning the direction of the influence (Kupchik & Harvey, 2003; Kapardis, 1997). One reason for this inconsistency may be because judge's often use their discretion when imposing punishments (Chesney-Lind & Shelden, 2004; Kupchik & Harvey, 2003).

However, the American Correctional Association (ACA), recognised that the laws were established to handle mainly male offenders and created a concept called gender responsiveness to provide specific services and programs for female juvenile and adult offenders (Morton, 2007). For example, in America specific types of community services were constructed to distinguish between the needs of male and female offenders (Morton, 2007; Chesney-Lind & Shelden, 2004). Due to methodological limitations of the current research, the limited Australian research as well as the recognition of gender in sentencing practices, public opinion research needs to be conducted to examine if their opinion is consistent with current legislation that recognises the offenders' gender in sentencing practices.

Reason for Public Opinion Research Concerning Male and Female Juveniles

Since it has been suggested that gender may be important within the court system, it is necessary to examine how the public perceive punishment practices for male and female juvenile offenders. This is required on two grounds; first, juveniles are committing more crimes than adults and second, the rate of females committing crime has been increasing (AIC, 2007). Although Australian statistics suggest that the crimes male and female juveniles commit are comparable, gender seems to influence motivation for offending (Baffour, 2006; Gavazzi et al., 2006; Vandiver & Teske, 2003). Further, psychological differences between male and female juvenile offenders have been reported, indicating a need for different programs to address these issues (Timmons-Mitchell et al., 1997). Given the contemporary debates concerning policy reforms in the juvenile justice system, and the increase in female juvenile offending, it is imperative to gain public opinion about sentencing programs to achieve a better understanding of how

the public perceive the influence of gender on the administration of juvenile justice.

Therefore, the research question investigated in the current research was;

- 1) Is there a difference in how the public perceive the seriousness of crimes committed by male and female juvenile offenders and how severely do the public want male and female juvenile offenders to be punished for the same crime?

The responses provided by male and female respondents were also examined to provide an indication of whether there was a difference in their perception of crime. Therefore, a second research question was;

- 2) Do male and female respondents view the seriousness of a crime differently for juvenile offenders and do male and female respondents punish juvenile offenders differently?

Method

Research Design

The current study utilised a between-subject design to examine two independent variables. The first independent variable, the gender of the offender, was examined to see whether it had any effect on the two dependent variables; participant's perception of the seriousness of the offence and the severity of the punishment recommended by the participants. There were two conditions, as the gender of the offender was manipulated in a vignette that described an assault committed by the characters, Caroline or Clinton. The second independent variable was the gender of the respondent which was also examined to see whether it affected the responses to the aforementioned dependent variables. A quantitative style survey was employed with a qualitative section that supplemented the quantitative data.

Participants

Sixty-one participants were recruited from the West Australian public through the distribution of surveys in different workplaces, universities and communities. Areas of distribution included the metropolitan, the southwest and northern areas of Perth. Further, Edith Cowan University (ECU) students who were registered on the research participation database were approached via e-mail to complete the survey. The participants' gender, age, level of education and parental status were recorded. However, one (1.6%) participant chose to withhold all their personal demographics. Of those who completed the demographic questions, 33 (54.1%) of the participants were female, and 27 (44.3%) participants were male. The sample ranged in age from 18 to over 65 years. More specifically, 10 (16.4%) participants were 18-21, 12 (19.7%) participants were 22-25, 16 (26.2%) participants were 26-35, nine (14.8%) participants were 36-45, nine (14.8%) participants were 46-55, three (4.9%) participants were 56-65 and one (1.6%) participant was aged above 65. As for level of education, 14 (23.0%) participants completed year 10 or 11, 19 (31.1%) received their high school diploma, 21 (34.4%) completed a degree at university, and five (8.2%) reported that they had completed another level of education that was not listed. Additionally, one (1.6%) other participant chose to withhold their level of education. Participants were also asked to report their parental status; 28 (45.9%) were parents and 32 (54.5%) were not parents. The participants who were recruited from the ECU research participation register were given a raffle ticket that entered them into the draw to win a fifty dollar cash prize at the end of the semester.

Materials

Each participant was given a package containing an information sheet, the vignette and the survey. The information sheet (Appendix A) described to the participant what the study was examining and what to expect if they agreed to participate. It outlined contact details of the researcher, the researcher's supervisor and details of a telephone counselling service named Lifeline, in the event that the participant became anxious due to the nature of the study. It also explained that participation was completely voluntary and that participants could withdraw at any time. It was further clearly stated that the responses would be kept strictly confidential during and after the study.

The vignettes (Appendix B) outlined a minor assault committed by a juvenile offender named Caroline or Clinton. Assault was chosen as the crime committed because the AIC (2006; 2007) indicates that it is a frequent crime committed by both male and female juvenile offenders. Within the vignettes, the gender of the offender and the victim were constant with each other, because research has demonstrated that the gender of the victim influences how the public perceive the seriousness of harm (Chrysos, Taft, King, & King, 2005). That is, it has been suggested that male offenders are perceived capable of injuring a female, more than a female offender, even when the injuries described were identical (Chrysos et al., 2005). The age and race of the victim and offender were not identified in order to minimise the amount of variables that may influence the participants' opinions. The outcome of the assault was also consistent within the two vignettes. The scenarios were short and concise, detailing the crime in about a quarter of a page.

Following the vignette, a survey (Appendix C) was presented in two components; the first component asked participants to provide some demographic information and the second component asked participants to complete some questions relating to the vignette. In the first section the demographics were gender, age, level of education and parental status of the participant. In the second section the participants were required to rate their perception of how serious the offence was and how severely the juvenile offender should be punished on a seven-point Likert scales. The Likert scales were labelled at the extremities to identify them (Breakwell, Hammond & Fife-Schaw, 2004), with one being the least severe response and seven being the most severe. Open-ended questions followed that asked the participant to (1) specify what was the most suitable punishment for Caroline/Clinton, (2) what were the expected outcomes of the suggested punishment, and (3) to describe the variables that they considered when they sentenced Caroline/Clinton. The survey format was adopted in this study as it had been utilised in many other studies (Baron & Hartnagel, 1996) and is an accepted approach to obtain public opinion. Including a qualitative section allowed for better understanding of how the public viewed punishment practices for juvenile offenders.

Procedure

Surveys were distributed to friends and families members of the researcher, who were told what the study was measuring and were asked to hand out to work colleagues, friends and students who were unknown to the researcher. To obtain a broad population sample, surveys were sent to assistants via the post, email or were handed directly from the researcher. Completed surveys were sent back in the post to the researcher. Further, contact was made with the coordinator of the ECU participation

register and after receiving the list of students, emails were sent to 30 people that explained about the nature of the study, included the information sheet and details to make contact with the researcher. Those who expressed interest were provided with a survey sent either by post or email and returned in the post to ensure anonymity. After receiving all of the completed surveys, those who had been sent a survey were debriefed about the nature of the study and thanked for their participation which was sent in the form of an email or a letter in the post. Respondents who completed the survey and who were recruited from the ECU participation register were presented with a ticket in the raffle for fifty dollars upon completion of the questionnaire that was sent in the post or scanned and sent via email.

Data Analysis

The qualitative component of the survey was examined as a means of supplementing the quantitative outcomes. That is, the data was explored to see whether there were any particular themes which were then totalled, and converted into percentages.

Results

The current study conducted four independent samples *t* tests using SPSS, version 15.0 to examine the two research questions. The initial two *t* tests examined whether there was a significant difference between the responses gathered within the Clinton and Caroline conditions about how serious the offence was, and how severe the recommended punishment was. The final two *t* tests examined whether there was a difference in the responses provided by male and female respondents about the seriousness of the offence and the severity of an appropriate punishment.

Assumption Testing

Exploratory analysis revealed that there was no missing data; however, outliers were evident. Analysis was conducted with the outliers removed; however, as these did not significantly affect the overall results, the final analysis was conducted with them included. In addition, the Shapiro-Wilk test of normality indicated that for some of the variables, the responses significantly deviated from a normal distribution. For the first research question, the responses gathered for the Caroline condition concerning both the seriousness of the offence ($w(30) = .002, p < .05$), and the severity of the punishment ($w(30) = .031, p < .05$), indicated that normality assumptions were violated. For the second research question, normality assumptions were violated for the responses, provided by both males ($w(27) = .030, p < .05$) and females ($w(33) = .014, p < .05$), about the seriousness of the crime, while only female responses ($w(33) = .030, p < .05$) for the severity of the punishment.

Descriptive statistics further revealed that for each of the variables the results were partly skewed or deviated in kurtosis. However, if skewness and kurtosis fall between one and negative one, it is generally considered acceptable (Allen & Bennett, 2008), which in this study was evident in each of the variables. Although research suggests that when there are problems with the normality assumption and/or skewness and kurtosis, a non-parametric equivalence, such as the Mann-Whitney U test should be performed (Allen & Bennett, 2008), the independent sample *t* tests were employed with caution. This was on two grounds; first the impact of skewness and kurtosis is limited in the presence of a reasonable sample size (greater than 40) and relatively equal groups (Allen & Bennett, 2008; Tabachnick & Fidell 2007). Both these were evident within the

current study with a total of 61 participants completing the survey and relatively equal groups as only one more participant completed the Clinton survey and thirty-one participants read the Clinton vignette and 30 participants read the Caroline vignette.

Results for Responses to Clinton and Caroline Scenarios

The first independent samples *t* test compared the responses gathered about the seriousness of the offence reported by participants who read the scenario involving Clinton ($n = 31$) and the participants who read the vignette involving Caroline ($n = 30$). The second *t* test compared the responses about the severity of the punishment, reported by the participants who completed the survey about Clinton and the participants who completed the survey about Caroline. For both the first and second *t* tests, the Levene's test was not significant, therefore equal variance was assumed. The results of the first *t* test indicated that there was no significant difference between the responses provided by the Clinton group ($M = 4.81, SD = 1.38$) and the Caroline group ($M = 4.90, SD = 1.21$), $t(59) = -0.281, p > .05$, two-tailed, $d = 0.06$. The results of the second independent sample *t* test also indicated that there was no significant difference in how the participants perceived the punishment severity for Clinton ($M = 4.54, SD = 1.29$) and Caroline ($M = 4.27, SD = 1.23$), $t(59) = .874, p > .05$, two-tailed, $d = .20$.

Results for Responses Provided by Male and Female Respondents

The third independent sample *t* test examined whether there was a difference in how male respondents ($n = 27$) and female respondents ($n = 33$) examined the seriousness of the crimes committed by the juveniles. Whilst the final independent samples *t* test examined whether there was a significant difference between how male participants and female participants punished the juvenile offenders in terms of severity.

Both of these tests were inclusive of all the data within the Caroline and Clinton samples, except for the one participant that did not record their gender. In addition, the Levene's tests were also not significant and therefore, equal variance was assumed. The results of the third independent samples t test indicated that there was no significant difference between how the male respondents ($M = 4.82, SD = 1.39$) and female respondents ($M = 4.94, SD = 1.20$) perceived the seriousness of the crimes committed by the juveniles, $t(58) = -.37, p > .05$, two-tailed, $d = .09$. Finally, the results of the fourth t test indicated that there was also no significant difference in how male respondents ($M = 4.41, SD = 1.50$) and female respondents ($M = 4.39, SD = 1.06$) perceived the severity of the punishment, $t(58) = .41, p > .05$, two tailed, $d = .07$

Themes evident within the Qualitative Supplement

On examination of the responses provided by the participants to the qualitative component some consistent themes were evident. First, support for non gender specific sentencing practices was apparent as for both Caroline and Clinton, 68% of participants supported some form of rehabilitation through community service and/or anger management/counselling. It should be noted that these were sometimes (42% of the time) in conjunction with other punishments such as incarceration (<10%), fines or payment of medical bills and apologies (20%). Second, 59% of responses regarding what influenced their punishment indicated that characteristics of the offence (i.e., the unprovoked nature or extent of the injuries) were the most influential. Third, discrepancies between the quantitative and qualitative responses provided by male and females were evident. That is, within the qualitative responses, females seemed less punitive than males. This is because 37% of male participants suggested that some form of incarceration was required

for either Clinton or Caroline that ranged in diversity of one night to four years. Whilst, females supported community based punishments as they perceived them more appropriate. One last observation was that participants who had attained a university degree within the population sampler were 34.4%. It should be noted that this may have also resorted in less severe sanctions suggested as previous researchers have reported that educated participants often support more rehabilitative sanctions.

Discussion

The aim of the first research question was to examine if there was a difference in how the public perceived the seriousness of a crime committed by a male and female juvenile offender. Further, it aimed to examine how severely the public wanted a male or female offender to be punished for the same crime. The results indicated that the gender of the juvenile offender did not significantly influence how the public perceived the seriousness of the assault committed by Clinton or Caroline, or how severely Clinton or Caroline should be punished. This supports previous research, in that the public do not consider the gender of the juvenile when establishing appropriate punishment practices (Applegate & Davis, 2004; Durham et al., 1996). Further, the qualitative component provided additional support for non gender specific sentencing, as it seemed to promote rehabilitative sanctions for both male and female juveniles, and suggested that the main concern for the public when sentencing an offender was the offence.

The aim of the second research question was to examine if male and female respondents viewed the seriousness of a crime differently for juvenile offenders and whether male and female respondents punished juvenile offenders differently. Consistent with previous research (Baron & Hartnagel, 1996) the results indicated that male and

female participants did not significantly view the seriousness of a crime committed by a juvenile differently, or the severity of a punishment for that crime. However, the qualitative themes indicated some discrepancy between the quantitative and qualitative results. In particular, although overall rehabilitative sanctions were evident, 37% of males supported some form of incarceration, whilst no female participant responded with incarceration as an appropriate punishment. It should be noted that as the current research examines the West Australian public, there may be some inconsistencies with previous research because of cultural disparities. That is, the majority of previous research has examined the American or Canadian public.

The Public and Sentences for Male and Female Juvenile Offenders

Previous researchers have argued that the public were discontented with the severity of the sentences sanctioned on juvenile offenders (Baron & Hartnagel, 1996; Flanagan, 1996; Hart, 1998; Indermaur, 1990; Roberts et al., 2003; Schwartz & Vleet, 1992). However, the current research seems to suggest this may not necessarily be the case as through an examination of the means, for Clinton the mean was 4.54 and for Caroline the mean was 4.27, an average severity response for punishment was evident. Further, the means for the seriousness of the offence, 4.81 for Clinton and 4.90 for Caroline, demonstrated that the participants viewed the crime relatively serious. Thus, these means may indicate that the participants of this study did not perceive the crime serious enough to warrant a severe punishment. Notably however, previous researchers that have reported that the public want more severe punishments for juvenile offenders (Baron & Hartnagel, 1996; Flanagan, 1996; Hart, 1998) have focused on broad public views of crime and crime control which may provide a limited explanation about the

public's perception of what is and is not appropriate sanctions for certain crimes. That is, asking participants to respond to abstract statements similar to "sentences are not tough enough" is too complex (Doob, 2000; Stalans et al., 2003) as it conveys too many types of crimes and sentences. Thus it may result in biased responses towards serious offences or in accordance with the crimes reported by the media (Lundman, 2003). Due to the complex nature of public opinion about crime, rather than focusing on broad aspects of crime and crime control, future research needs to continue to examine the public's opinion of specific offences in order to ascertain exactly what the public are focusing their perceptions on.

Based on the participants' responses to the qualitative component it is evident that they supported rehabilitative sanctions as opposed to severe sentences for both male and female juveniles. Specifically, 68% of participants recommended that Clinton or Caroline should receive community service and/or counselling/anger management sessions. These were often in conjunction (42% of the time) with other types of punishment, some more punitive than others, which were evident by;

Face to face apology, victim impact statement, visit victims of crime to see impact on lives, community service work, rehab course/development, seek community help if offender needs help, parents included.

Community service, has to pay damages to Dennis, fine [and] short term in juvenile detention.

An apology, counselling sessions, given medical bills and other related costs, and community service.

Although punitive responses were provided, less than 10% of the participants who suggested community service and/or counselling/anger management also suggested incarceration. In addition, the participants suggested that incarceration should be kept to a minimum, i.e., “*a night in East Perth lock up*” or “*for two to three weeks.*” These responses suggest that the majority of the participants in this study supported rehabilitation as a necessary sanction for relatively serious juvenile offences, independent of gender. This is consistent with previous studies which have found that members of the public prefer rehabilitation as the major form of punishment for minor offences (Doob, 2000; Roberts & Stalans, 1997). Therefore, this finding further supports the belief that research needs to examine the public’s opinion of certain crimes in order to establish exactly how the public view punishment practices for different crimes.

An unexpected response provided by the participants in this study was that they thought that along with community service and anger management/counselling, an appropriate sanction included a written or oral apology to the victim. Although this was an unexpected finding, researchers have indicated that an apology can be perceived a sign of remorse, which in turn positively effects the rehabilitation of juvenile offenders (Kelley, Kennedy, & Homant, 2003). Interestingly, within the current study, participants seemed to indicate that an apology was required for Clinton or Caroline to take responsibility for their actions or to recognise that their behaviour was not appropriate. These findings further indicate that the participants in this study perceived that the function of a punishment was to support or rehabilitate the offender, rather than penalise them.

Further, based on the participants' responses, it was evident that the characteristics of the offence influenced their decision about what an appropriate punishment was for both Caroline and Clinton. Specifically, 59% of the participants suggested that the most influential variable considered throughout the survey, was the characteristics of the assault, e.g., "*injuries inflicted..., the violent nature..., intent of actions, unprovoked attack, and/or victim defenceless*". This finding is consistent with previous research that suggests that the public tend to be influenced by the seriousness of the offence and surrounding circumstances (e.g., the harmed caused by injuries) (Applegate & Davis, 2004). Similar to Applegate and Davis's (2004) study, the current research indicated that the public do not necessarily view the crimes committed by male and female juveniles differently, but rather tend to focus on the offence. It should be noted that this study only examined one type of crime and to further detail whether the public consider the offence characteristics; more research needs to be conducted to explore the public's response to crimes that vary in seriousness. This includes offences committed against the person as well as property crime. Accordingly, these findings may suggest that for somewhat minor offences, against a person, the public seem to indicate that rehabilitation is an important function of punishment, independent of the juveniles' gender.

Notably however, within this study, a diverse population sample was recruited to complete the surveys. Age, education level and parental status were recorded by participants as a means for the researcher to recognise the diversity of the population. However, previous research has indicated that these demographics influence the responses on opinion surveys (Baron & Hartnagel, 1996; Indermaur, 1990; Schwartz et

al., 1992; Schwartz et al, 1993). Specifically, previous research has indicated that participants who have attained higher levels of education respond less punitively than participants who do not have higher education (Baron & Hartnagel, 1996). A report conducted by the Australian Bureau of Statistics (ABS) (2006), indicated that from a national sample of participants, aged between 15 and 64 years, 18% had completed a Bachelor degree or attained a higher level of education. Although in the current study, a diverse population sample was appropriate; the percentage of participants who had attained a university degree was 34.4%, which would indicate that the sample may have been over represented by participants who had completed university. This needs to be considered as a possible reason why participants in this study reported rehabilitation as a necessary function of punishment as well as responded by recommending less severe sanction than previous research indicates.

Male and Female Responses to Crime

Doob (2000) reported that when surveys present the participants with either the punishment of incarceration or alternative community based sentencing options, the majority of the participants supported rehabilitation measures and community service. The participants who chose incarceration were predominantly male. The current study was consistent with these findings as 37% of male respondents suggested some form of incarceration that ranged in severity from one night to four years. Whereas the female participants were the opposite, with no female supporting imprisonment as an appropriate sanction, but rather opting for community based sanctions and counselling. This was even more apparent through responses like *"I don't think that imprisonment would be beneficial [but] on the other hand she does need to be quite severely punished [through] a*

course of anger management [and] possibly a large number of hours of community service work". Consistent with previous research, this theme suggests that female participants in this study were less punitive than males in what they perceived as an appropriate sanction (Schwartz et al., 1993). However, this also illustrates a discrepancy between the quantitative and qualitative responses.

One reason that no significant difference was found between the responses on the severity scale may be partly due to individual's different perceptions of what a severe punishment is. For example, a male participant suggested that an appropriate punishment for Clinton was "*six months detention*" and rated this as four which was an average score on the seven-point Likert scale. Whereas a female respondent suggested that an appropriate punishment for Clinton was "*anger management type of counselling and doing some form of community service in a hospital were people are abused and needing treatment*" which was rated as a five, indicating that she perceived the punishment as quite severe. Notably, the sanction consisting of community service and counselling/anger management varied in how severe it was seen as its severity rating varied from one to seven. This research may indicate that the severity of sentencing within the juvenile courts may not necessarily be an issue because of the discrepancy in what is perceived as a severe sentence. Rather future research needs to examine the public's perception of how severe particular punishments are to clarify what they are basing their assessment on.

Limitations of the Current Study

It is important to consider limitations of the current research in view of the aforementioned interpretations. As previously suggested one limitation of the current

study was that it only examined one offence. Further, as suggested by Ghetti and Redlich (2001), the utilisation of the vignette in order to gain responses is potentially a shortcoming. That is, vignettes do not induce the same emotional responses from the public as real life situations. In addition, as the vignettes were written rather than visual scenarios, the public may have misinterpreted what was being depicted. Possibly, a visual scenario being employed may have produced more accurate perceptions and responses from the participants.

A third limitation in terms of design was the inability to directly reflect on the current sentencing practices of the West Australian courts. This was due to the utilisation of a complete fictional account describing an assault, rather than adopting a modified version of an actual offence. As Stalans and Henry (1994) noted, there is limited research that has attempted to directly reflect on public opinion to sentencing practices through focusing on actual offences. Although this study attempted to gain public perception of juvenile sentencing through asking open-ended questions, adopting an actual offence may have permitted direct comparisons between the sentencing practices of the public and actual practices in the juvenile courts.

Finally, although it is not a limitation *per se*, when conducting public opinion surveys, it needs to be recognised that the public have limited knowledge about current legislation and sentencing practices. This may be due to the fact that the public receive the majority of sentencing details from the media's depiction of what the outcome of serious offences is (Sprott, 1996). Thus, the public have limited awareness of the differences in male and female juveniles' motivations behind offending (Gavazzi et al., 1997) and the issues pertaining to female juveniles' psychological welfare (Timmons-

Mitchell et al., 1997). This lack of awareness may then restrict the potential responses provided by the participants in this study which may in turn bias the results. Future research needs to ascertain what the public understand about male and female juveniles as well as their awareness of the current legislation and sentencing outcomes regularly sanctioned by the courts.

Future Directions for Research and Implications

As the study was exploratory in nature, it identified a number of future research directions on the basis of its findings, some of which have previously been mentioned. Some other directions include; first, future research needs to establish exactly what the public mean when they respond with punitive reactions to crime like *"I am sick of juveniles getting a slap on the wrist and not being accountable for these actions"* or *"there are too many young people who are getting away with what they think is ok."* A unique finding in the current study was that participants who responded with these comments still perceived that the main function of punishment was to rehabilitate, which is ultimately the goal of juvenile corrections. Thus, future research is required to lessen the gap between the courts and the public by obtaining better understanding what is meant by these statements. This is because increasing the severity of the punishments in juvenile courts may not actually be what the public wants.

Second, future research needs to continue to focus on responses provided by male and female members of the public because the current research is not decisive if whether a difference exists. Along with research needing to examine the discrepancy between males and females perceptions of what a severe punishment is, research also needs to examine possible differences between males and females responses about what a

punishment should achieve. Although overall rehabilitation was perceived as the main function for punishment, the current study seemed to suggest that female respondents perceived that punishment should also include educating the juvenile on responsibility and establishing community responsibility. However, males also indicated that punishment should work as a deterrent from further offending. As this was out of the scope of the current study, future research is required to examine any possibly differences.

Finally, it needs to be noted that many researchers argue that public opinion studies offer an understanding of what the public is willing and not willing to accept in terms of sentencing practices (Flanagan, 1996; Sims & Johnston, 2004). If this is the case, then this study would provide support for a non gender specific sentencing process that provides rehabilitation to juveniles. However, due to the public's limited knowledge concerning the motivations behind, and psychological issues of male and female juveniles the public needs to be educated as to how this impacts on male and female juveniles' rehabilitation, before implicating these findings into social policies.

Conclusions

The aim of the current study was to examine whether the gender of the juvenile offender influenced how the public viewed the seriousness of the crime and in turn the severity of the punishment. It also aimed to examine whether the gender of the respondent influenced how they perceived the seriousness of an offence, along with the severity of the punishment required. In terms of the initial aim, this study found that male and female juvenile offenders were treated equally in terms of how serious a crime was viewed, the severity of the punishment and the types of punishments suggested. Contrary

to some previous research, this study highlights the public's support for rehabilitation for juveniles through community based programs which supports current legislation. It also demonstrated that the public are more concerned about the type of crime committed, rather than surrounding demographic variables, such as the gender of the offender.

Findings of the second aim were somewhat inconsistent. That is, initial results suggested that male and female members of the public viewed the seriousness of the crime similarly and the severity of the punishment average. However, the qualitative component was inconsistent and suggested that what male participants perceived as a severe punishment differentiated to female participants. In addition, the qualitative component indicated that females were less punitive in their perception of an appropriate punishment when compared with their male counterparts. More research is required to examine male and female perceptions of punishment practices so as to clarify this inconsistency.

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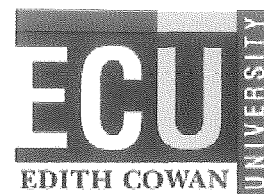
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Appendix A



Information Sheet

Public Opinion and the Sentencing of Juvenile Offenders

My name is Sarah Welch and I am completing my Honours degree in Psychology at Edith Cowan University.

The sentencing of juvenile offenders is a difficult process that involves many different variables to establish the most appropriate and influential type of punishment. Research concerning how the public view current sentencing practices is limited and as such this current research is being conducted to see how the public believe juvenile offenders should be punished.

Participation in this study will involve reading a brief scenario and then completing a questionnaire. The scenario presented, is a quarter of a page in length and describes a violent altercation between two teenagers. The questionnaire that follows is designed to collect your opinions in relation to how the juvenile offender should be punished for their actions. Please note, that there are no right or wrong answers and only your opinion is required. Also, the questionnaire asks for you to clarify some of your demographic variables. This information will not be able to identify who you are.

Participation in this research is completely voluntary and you can withdraw your participation at anytime. If at any point you are not comfortable with the questions asked, please feel free to leave the question and continue with the next one. All information collected will be kept strictly confidential throughout the duration of the study and after.

The current study has been approved by the Ethics Committee of the Faculty of Psychology and Social Sciences. If you have any questions regarding the study I can be contacted on [REDACTED] or by email at sjwelch@student.ecu.edu.au. Further, you can contact my supervisor regarding any concerns you might have, Dr Deirdre Drake on 6304 5020.

Finally, in the unlikely event that you become anxious as a result of your participation in this research, you may wish to contact a health care service. One 24 hour telephone counselling service is Lifeline and their free number is 13 11 14. Thank you for taking the time to read this information sheet. Your assistance in this research is greatly appreciated.

Appendix B

Caroline Scenario

A teenager named Denise was walking home from the train station. As Denise walked along the road, Caroline a female in her same year at school, came up to her and asked for some change to catch the train. When Denise said she had no money, Caroline became loud and verbally abusive. Denise began to walk faster, however Caroline followed and hit Denise, pushed her to the ground and kicked her in the stomach once. Denise received stitches to a wound she received in the altercation from a piece of glass on the side of the road and some dressings to some other minor scratches. She had some bruises on her stomach, but they were only minor.

Clinton Scenario

A teenager named Dennis was walking home from the train station. As Dennis walked along the road, Clinton, a male in his same year at school, came up to him and asked for some change to catch the train. When Dennis said he had no money, Clinton became loud and verbally abusive. Dennis began to walk faster, however Clinton followed and hit Dennis, pushed him to the ground and kicked him in the stomach once. Dennis received stitches to a wound he received in the altercation from a piece of glass on the side of the road and some dressings to some other minor scratches. He had some bruises on his stomach, but they were only minor.

Appendix C

Questionnaire

PART A: BACKGROUND INFORMATION

INSTRUCTIONS TO PARTICIPANTS

Please complete the following questions regarding your background information. All this information will remain confidential and you will not be able to be identified by completing this section. Further, this information is required so that the researcher can establish that the population sample reflects a wide population.

1) AGE GROUP

- 18-21
- 22-25
- 26-35
- 36-45
- 46-55
- 56-65
- 65+

2) GENDER

- Male
- Female

3) LEVEL OF EDUCATION

- Year 10/ Year 11
- High School Diploma (Year 12)
- University Graduate
- Masters Degree
- Other (*Please Specify*) _____

4) Are you a parent?

- Yes
- No

PART B: PERSONAL OPINIONS

INSTRUCTIONS TO PARTICIPANTS

After reading the scenario, please complete the following questionnaire.

Please respond to the questions and statements as honestly as possible and please note that there are no right or wrong answers.

If any of the questions/statements make you feel uncomfortable, please feel free to leave that question and continue with the questionnaire.

BY COMPLETING THE FOLLOWING QUESTIONNAIRE, YOU GIVE YOUR CONSENT TO THE RESEARCHER TO USE THE RESPONSES YOU PROVIDE TO MEASURE PUBLIC OPINIONS OF JUVENILE SENTENCING.

Please circle the rating on the scale that best represents your opinion

- 1) How serious was the offence Caroline Committed?

Not Very Serious | | | | | Very Serious

- 2) Do you think Caroline should be punished? (Please tick)

YES
 NO

- 3) (If you answered yes) How severely should Caroline be punished?

Not Very Harshly | | | | | Very Harshly

4) What type of punishment would you give to Caroline? *(Please provide as much detail as possible)*

5) What outcomes do you hope to achieve with the type of punishment you would sentence Caroline to? *(Please provide as much detail as possible)*

1) What factors about this scenario influenced you when you processed how the juvenile offender should be punished?

END OF QUESTIONNAIRE
THANKYOU FOR YOUR PARTICIPATION

PART ONE- BACKGROUND INFORMATION

INSTRUCTIONS TO PARTICIPANTS

Please complete the following questions regarding your background information. All this information will remain confidential and you will not be able to be identified by completing this section. Further, this information is required so that the researcher can establish that the population sample reflects a wide population.

5) AGE GROUP

- 18-21
- 22-25
- 26-35
- 36-45
- 46-55
- 56-65
- 65+

6) GENDER

- Male
- Female

7) LEVEL OF EDUCATION

- Year 10/ Year 11
- High School Diploma (Year 12)
- University Graduate
- Masters Degree
- Other (*Please Specify*) _____

8) Are you a parent?

- Yes
- No

PART B- PERSONAL OPINIONS

INSTRUCTIONS TO PARTICIPANTS

After reading the scenario, please complete the following questionnaire.

Please respond to the questions and statements as honestly as possible and please note that there are no right or wrong answers.

If any of the questions/statements make you feel uncomfortable, please feel free to leave that question and continue with the questionnaire.

BY COMPLETING THE FOLLOWING QUESTIONNAIRE, YOU GIVE YOUR CONSENT TO THE RESEARCHER TO USE THE RESPONSES YOU PROVIDE TO MEASURE PUBLIC OPINIONS OF JUVENILE SENTENCING.

Please circle the rating on the scale that best represents your opinion

6) How serious was the offence Clinton Committed?

Not Very Serious | | | | | | Very Serious

7) Do you think Clinton should be punished? *(Please tick)*

YES
 NO

8) *(If you answered yes)* How severely should Clinton be punished?

Not Very Harshly | | | | | | Very Harshly

9) What type of punishment would you give to Clinton? *(Please provide as much detail as possible)*

10) What outcomes do you hope to achieve with the type of punishment you would sentence Clinton to? *(Please provide as much detail as possible)*

11) What factors about this scenario influenced you when you processed how the juvenile offender should be punished?

END OF QUESTIONNAIRE

THANKYOU FOR YOUR PARTICIPATION