The influence of childhood factors on the public perceptions of the appropriate consequences for young offender

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The Influence of Childhood Factors on the Public Perceptions of the Appropriate Consequences for Young Offenders

Penny Hyde

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

Submitted (October, 2007)

I declare that this written assignment is my own work and does not include:
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Declaration

I certify that this literature review and research project does not incorporate, without acknowledgement, any material previously submitted for a degree or diploma in any institution of higher education and that, to the best of my knowledge and belief, it does not contain any material previously published or written by another person except where due reference is made in the text.

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The Influence of Childhood Stability and Educational Deficiencies on Public Perceptions of the Appropriate Punishment for Young Offenders

Penny Hyde
Abstract

With changes in policy relating to juvenile offenders being heavily influenced by the perceived public opinion of juvenile crime, the opinion of the public on the appropriate punishment for young offenders is important within contemporary society (Mukherjee, 1997). Public opinion research suggested that while society remains unsatisfied with current methods used to punish juvenile offenders, they believe a juvenile’s punishment should be proportionate to the crime and that rehabilitation should be the main goal of juvenile punishment (Barber & Doon, 2004). This research further suggested that ignorance of both the juvenile’s circumstances and the perceived prevalence of juvenile crime may account for the harsh attitude that has been directed towards juvenile offenders in recent decades (Covell & Howe, 1996). The literature examining the relationship between childhood factors and juvenile offending suggests that both childhood stability and educational deficiencies influence the likelihood of a child becoming involved in criminal behaviour (Lane, 2003). While the impact on offending behaviour of both of these childhood factors has been examined thoroughly by the scientific community, little research has investigated the influence the public perceives these factors should have on punishment. Therefore future research should investigate the Australian public’s opinion on how severely juveniles should be punished, what forms the punishment should take, what the appropriate goals of juvenile punishment should be and whether childhood factors that predispose criminal behaviour such as childhood stability and educational deficiencies should be considered.

Keywords: public perception, juvenile offending, educational deficiencies, childhood stability, childhood factors.

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Submitted: October, 2007
The Influence of Childhood Stability and Educational Deficiencies on Public Perceptions of the Appropriate Punishment for Young Offenders

Despite no significant increase in crime statistics, contemporary society is of the view that the financial and social cost of juvenile crime has been increasing over recent decades, consequently leading to increased interest in the area (Hinton, Sheperis, & Sims, 2003). This increased interest from the community has been interpreted by policy makers as societal dissatisfaction with current juvenile justice practices and has subsequently resulted in reforms pertaining to the policing and punishment of juveniles within various Australian states (Mukherjee, 1997). However, within Australia, the actual measure of public opinion in relation to juvenile crime as a whole, and more specifically the punishment young offenders should receive, is at best scarce. Public opinion research serves an important role not only within academic arenas, such as social psychology, but also in terms of informing government policy and the reflection of societal norms (Gallup, 1988). The current lack of Australian research pertaining to public opinion on juvenile punishment has resulted in there being no clear indication of the public's opinion in relation to factors that influence the perceived appropriate consequences for offending juveniles.

In exploring public opinion about the punishment of juvenile offenders, a number of areas must be examined, including: the public's perception of what the appropriate goals of juvenile punishment should be; how severely juveniles should be punished; what forms the punishment should take and whether childhood factors that predispose criminal behaviour are considered. Knowledge of public opinion in these areas will provide an indication of how society expects juvenile offenders to be punished. This review of the literature will first explore the body of research conducted into public perceptions of juvenile punishment and then examine the concept of goals of punishment and how they relate to the punishment of juvenile offending. The review will also investigate the
childhood factors of childhood stability and educational deficiencies which research suggests predispose children to criminal behaviour. The impact of these factors on juvenile offending will be explored to establish whether further investigation is warranted to examine public perceptions of these factors being considered when a juvenile offender is being punished.

Within the literature pertaining to juvenile offending, a variety of terminology is employed to refer to individuals under the age of 18 years who participate in criminal behaviour. For the purposes of this review of the literature, an individual who has offended and is under the age of 18 years will be referred to as a ‘juvenile’ or ‘juvenile offender’. The term ‘youth’ will be adopted to refer generally to any individuals under the age of 18 years. Finally, having ‘offended’ or participated in ‘criminal behaviour’ will refer to an individual having violated the laws, codes or acts that govern their state and country (Butt, 2004).

Public Opinion on the Punishment of Juvenile Offenders

While contemporary society is of the belief that the financial and social cost of juvenile crime has been increasing over recent decades, the scarce statistical investigation of juvenile crime within Australia actually suggests the opposite (Hinton, Sheperis, & Sims, 2003; Mukherjee, 1997). A study by Weatherburn and Indermaur (2004) examined the public perceptions of crime trends in both Western Australia and New South Wales. They found that there was a widespread misunderstanding of trends in crime, in which there is a tendency to perceive that crime is increasing regardless of its actual prevalence within the community. This can therefore lead to an overestimate of the prevalence of crime within the community. Statistics suggest that reported incidences of homicide, robbery and property offences committed by juveniles have decreased between 5 and 17 percent from both 2002-2003 and 2003-2004, and that the rate of juvenile offenders per 100,000 relevant persons has been on the decline from 2000 to the most currently reported
statistics in 2004 (Kwiatkowski & Smith, 2005). A statistical calculation of trends in juvenile offending also suggests that there has been a general decline in the past 24 years in the number and rate of juveniles being placed in detention, with a 53 per cent drop in the number of male juveniles detained and a 82 per cent drop in the number of females detained since 1981 (Veld & Taylor, 2005).

This disparity between the reported perception of contemporary society that there is an increased amount of juvenile crime and the actual prevalence of such crime within the community, suggests that either public opinion is not accurately and effectively being measured or the community simply does not perceive the severity of juvenile crime accurately (Hinton, Sheperis, & Sims, 2003; Mukherjee, 1997). It is possible that both an inaccurate representation of public opinion and an inaccurate perception of the public may in part be caused by the influence of the media in reporting the opinion of the public and the severity of juvenile crime to the public.

This media led misrepresentation of public opinion may be largely the result of public opinion polls, in which limited and biased samples of participants are usually employed. Such media polls are commonly utilised in regards to issues that relate to law or policy and receive extensive media attention, such as that towards the punishment of juvenile offenders (Goidel, Freeman, & Procopio, 2006; Pan, Abisaid, Paek, Sun, & Houden, 2006). Samples are regularly limited due to the method of recruitment, with media polls appealing only to consumers of their product to provide their opinion. From this, only those with a strong opinion on the topic, along with the time and means to convey their opinion, will end-up contributing to the poll. Using consumers of their product as a sample will also lead to a bias in the opinion collected as the consumers will have been exposed to that media outlet's representation of the issue which may serve various agendas (Pan et al., 2006; Traugott, 2003). Yet, despite these major methodological flaws in their data collection, these media polls claim to be an accurate
representation of society’s views on issues such as the punishment of juvenile offenders. Regrettably, these methodological issues also arise in academic research conducted in the area of public opinion. These flaws mean that caution must be taken when comparisons are made between the findings of studies in the area of public opinion, however peer review and a sound understanding of the ramifications of these methodological flaws has resulted in academic research providing a much more accurate and comprehensive representation of the public’s opinion.

In essence, public opinion research identifies that there is no unified opinion to which all members of society agree, however identifying the dominant opinions within the community is still of importance to democratic societies. While there has been little research conducted on public opinions of juvenile justice in Australia, the area has been examined in research conducted overseas, particularly in the United States and Canada (Baron & Hartnagel, 1996; Soler, 2001). While the findings of this research may not be able to be generalised to Australia, it provides an overview of the public opinion that exists in other democratic countries with legal systems similar to Australia’s. In terms of public perception literature within the area of juvenile punishment, US research provides the only clear presentation of past and present opinion and trends that have emerged over time. This US research on the public’s opinion towards the punishment of juvenile crime has, over recent decades, found general support for getting tougher on juvenile crime and punishing youths as harshly as their adult counterparts (Soler, 2001). Further, polls have also indicated that the US public perceives juvenile courts to be responding too leniently to juvenile offenders (Hart, 1998; Sprott, 1998). However, recent research by Scott, Reppucci, Antonishak, and DeGennaro (2006) indicates a contemporary fluctuation in US public opinion in relation to the punishment of juvenile offenders. The research suggests that the public recognises that juvenile offenders are influenced by their developmental immaturity, supports differential treatment for juvenile offenders, and indicates that the
public is not strongly influenced by the juvenile’s race, physical maturity, or appearance of “toughness”. This apparent swing in US public opinion may be the result of either a genuine change in opinion or a reflection of public opinion research being vulnerable to methodical flaws, such as biased sampling or invalid measures, which have led to an inaccurate representation of the public’s opinion on the punishment of juvenile offenders (Scott et al., 2006).

The contemporary view of US public opinion published by Scott, Reppucci, Antonishak, and DeGennaro (2006) suggests that society is becoming more educated about the psychological development of youths and is willing to make allowances for their juvenile behaviour as a result of understanding that they are simply more developmentally immature than adults. This suggestion brings to light the importance of investigating whether being more educated or being provided with more information on a topic influences the opinions of the public. This concept was examined in 1984 by Doob and Roberts who conducted an experiment examining public attitudes towards the sentencing of adult offenders. The study involved one participant group being provided with newspaper accounts of a crime and the sentence received by the offender, while the second group were also given court based documents which provided a history of the offender. It was found that participants provided with more information about the offender showed less punitive attitudes and more satisfaction with the sentence given. This study suggested that a better informed public is a less punitive public (Doob & Roberts, 1984).

The phenomenon was further investigated in 1996, in terms of its application to juvenile offenders, when Covell and Howe (1996) conducted a study to examine how punitive attitudes are influenced by variables such as the participant’s knowledge of the law, experience of victimisation, gender, age and education, as well as the level and amount of available information about the offender. They found that participants who were given background information about the juvenile offender were significantly less punitive
than those who were not, while adolescents tended to have less punitive attitudes than adults. Differences in gender, knowledge of the law and experiences of victimisation did not lead to significant differences in punitive attitudes (Covell & Howe, 1996). These findings provide support to those found by Doob and Roberts in 1984, and further suggest that it is likely that ignorance of the background characteristics of the offender underlies harsh attitudes. This may partly explain why perceptions of youth crime, both in terms of its frequency and severity are highly exaggerated.

In terms of Canadian studies, researchers have tended to examine the public’s approval of current juvenile punishment practices, explore the factors that influence their opinion and the correlation between the desire for tougher sentencing and the desire for proportionality in the punishment of juvenile offenders (Barber & Doob, 2004; Baron & Hartnagel, 1996). These Canadian researchers suggest that in 1993, and when later assessed in 2004, the majority of respondents (78% and 73%) felt that juvenile courts had become too lenient (Barber & Doob, 2004; Baron & Hartnagel, 1996). Those respondents with more conservative social values tended to be more punitive, while neither the respondent’s fear of crime, previous victimisation or background variables consistently predicted punitiveness. Also, respondents generally had a high degree of support for highly punitive punishment for juvenile crime such as establishing a curfew for youths under the age of 16 years and moving juvenile offenders who have committed a second offence to an adult court (Baron & Hartnagel, 1996). Baron and Hartnagel (1996) suggested that underlying beliefs about the causes of crime and the purposes of punishment influence an individual’s view on the appropriate degree of punitiveness for offending juveniles. They also made the suggestion that the media may play an important role in constructing juvenile crime as a prominent social issue by bringing to awareness latent public fears (Baron & Hartnagel, 1996).
Public opinion about the punishment of Canadian juveniles was further explored by Barber and Doon (2004) who investigated the relationship between public support for proportionality and support for more severe sentencing for juvenile offenders. The study involved 150 participants completing a questionnaire. In this study proportionality referred to the offender’s sentence being proportionate to the seriousness of the crime and the degree to which the juvenile offender is responsible for the crime (Barber & Doob, 2004). The results indicate that 73% of participants thought the courts were too lenient on juvenile offenders, while 95% agreed that sentences should be proportionate to the severity of the offence. These findings suggest that there is strong support among participants for proportionality and that those supporting proportionality and those supporting harsher juvenile sentencing tend to overlap significantly.

Further analysis led to the development of a profile for those participants who desired harsher sentencing for youths. They tended to have no youths in the household, be worried about their safety when home alone, be opposed to the suggestion that judges should impose the least restrictive sanction possible and be opposed to juveniles being repeatedly given non-court alternatives at sentencing. Conversely, those participants who desired proportionality in sentencing were generally characterised by the view that the purpose of sentencing should be to hold youths accountable, the belief that crime in their neighbourhood was increasing and the belief that long term public protection is best achieved by imposing sentences that have meaningful consequences for the juvenile along with rehabilitation and reintegration (Barber & Doob, 2004). The results of this study indicate that while the majority of participants believe that the juvenile courts are too lenient, they are also overwhelmingly of the opinion that a juvenile’s punishment should be proportionate to the seriousness of the crime they have committed. This suggests that in theory the public believes that juvenile punishment should consider each individual’s
circumstances independently, however they believe that the current measures in place to deal with juvenile offending are not effective.

A separate juvenile court was originally implemented in America with the intention of giving delinquent children individualised treatment that would lead to their rehabilitation and reintegration into society (Cullen, Fisher, & Applegate, 2000). Virtually since its inception, the concept of a juvenile court was met with opposition from those who believed that a harder line should be taken on juvenile crime. Cullen et al. (2000) suggest that this opposition has increased in contemporary society, with a significant proportion believing that serious juvenile offenders should be punished in accordance with the adult court. However, a study by Schwartz (as cited in Cullen, Fisher, & Applegate, 2000) found that while participants were of the opinion that juveniles should have a trial and be sentenced by an adult court, they do not believe that juveniles should go to adult prison but instead should be punished through community based orders. This suggests that while contemporary society believes that juveniles should be held to the same standards as adults in terms of the law, they also believe that the notion of rehabilitation is more pertinent to, and appropriate for, juvenile offenders. The study by Schwartz (as cited in Cullen, Fisher, & Applegate, 2000) further suggests that, in terms of the goals that juvenile punishment should serve, the American public were overwhelmingly of the opinion (78 percent of participants agreed) that the main purpose juvenile punishment should serve is the treatment and rehabilitation of the offender; with 11.9 percent of participants believing that the juvenile courts main goal should be punishment and 9.7 percent believing that its goal should be to both punish and rehabilitate equally.

The public’s perception of what should be the goal of punishment for juvenile offenders was further investigated in a study by Nagin, Piquero, Scott, and Steinberg in 2006. The study involved assessing, through telephone interviews, the willingness of 1,502 participants to vote for a policy by which each household would pay additional taxes to go
toward either punitive or rehabilitative forms of punishment for juvenile offenders. The results of the study indicated that participants were more willing to pay for rehabilitation than for longer incarceration of juvenile offenders, but were even more willing to pay for an early childhood crime prevention program (Nagin et al., 2006). These findings suggest that in terms of goals of punishment, the public are of the opinion that juvenile offenders should be rehabilitated rather than simply incapacitated, as juvenile behaviour and thinking is still forming and able to be changed. The literature suggests that the goals of punishment are an important factor that influences the form of punishment that will be given to an offender (Cullen et al., 2000; Nagin et al., 2006).

The Goals of Punishment

There are traditionally considered to be four major goals of punishment, which are used as a basis for determining the severity and type of consequence an offender should face. These goals have been identified as retribution, rehabilitation, incapacitation and deterrence (Goldsmith, Israel, & Daly, 2003). The goals of punishment provide different aims for the purpose and outcome of imprisoning an individual for committing a criminal act. Retribution suggests the individual should be imprisoned because a person who inflicts harm should receive harm; rehabilitation suggests criminal punishment should re-educate and rehabilitate offenders so that they are unlikely to re-offend; incapacitation suggest that individuals should be imprisoned to keep them segregated from society so that they are simply unable to re-offend; and, finally deterrence suggests that criminal punishment should discourage people from committing crime (Butt, 2004). There are two forms of deterrence that can be achieved through punishment, the first being individual deterrence which involves discouraging an individual who has previously offended from participating in criminal behaviour again. The other is general deterrence which involves discouraging any prospective offenders from undertaking criminal activity through the illustration of the punishment that will be received if the offence is committed (Goldsmith
et al., 2003). Walker (1991) suggests that while research indicates that legal punishment provides substantial deterrence for partaking in criminal activity, it is difficult to determine what impact the manner or severity of the punishment has on the level of deterrence.

In an examination of the goals of punishment, Banks (2004) postulated that from these traditional goals of punishment, two main theories have arisen in relation to the punishment of criminal activity, these being the utilitarian philosophy and the retributivist philosophy. The utilitarian approach encompasses the concept of deterrence, rehabilitation and incapacitation and therefore focuses on the prevention of criminal activity. This approach justifies punishment through reference to its beneficial consequences for society and believes that punishment should only be implemented if the damage it prevents outweighs the damage it imposes on the perpetrator (Banks, 2004). Conversely, the retributivist approach focuses on the wrong doings of the offender and seeks to allocate blame on the offender for their violation of society's laws. This approach justifies punishment simply through the philosophy that punishment is given to individuals when it is deserved and views punishment as a way of making individuals accountable for their actions (Banks, 2004).

Traditionally, policies surrounding juvenile punishment in the US have fluctuated between retributive and rehabilitative approaches, but have endeavoured to maintain a balance between punishing and rehabilitating juvenile offenders (Jenson & Howard, 1998). The past few decades have seen these practices de-emphasised in favour of strict orders and imprisonment, despite research indicating that juvenile offender rates have in fact dropped over the last decade (Jenson & Howard, 1998; Kwiatkowski & Smith, 2004). Recent research conducted into public opinion on juvenile punishment has indicated that the US society believes that juvenile policies should again endeavour to find a balance between the punishment and rehabilitation of juvenile offenders (Cullen et al., 2000; Nagin et al., 2006). In terms of how a society is going to punish their juvenile offenders, once the
goal of the punishment is established, the issue becomes whether or not there are factors in a juvenile offender’s childhood that impacts on their likelihood to participate in criminal behaviour. Furthermore, if these factors exist, does the public believe they should be considered as mitigating circumstances when the punishment for a juvenile offender is being decided upon?

**The Impact of Childhood Stability on Juvenile Offending**

Research on juvenile offending has identified a number of childhood factors that predispose children to criminal behaviour. While the impact of these factors has been examined thoroughly by the scientific community, little research has investigated the influence the public perceives these factors to have on offending and the impact they should have on punishment. Of the various childhood factors investigated, research has suggested that an unstable childhood can be a particularly strong predictor of juvenile offending (Lane, 2003). Childhood stability refers to factors such as maltreatment, low socio-economic status, lack of supervision, neighbourhood context, gang involvement and substance abuse (Lane, 2003; Tam, Heng & Bullock, 2007; Wikstrom & Loeber, 2000).

The stability of a youth’s childhood can be greatly compromised by various forms of maltreatment. Many theorists and researchers advocate a cycle of violence theory which proposes that an individual who falls victim to youth maltreatment is at an increased risk of offending. Brezina (1998) provided considerable support for the theory by concluding that victims of youth maltreatment are significantly more likely than non-victims to become offenders. A later study by Widom and Maxfield (as cited in Fagan, 2005) added support to the theory by suggesting that becoming the victim of maltreatment makes a youth significantly more likely than a non-victim to become a frequent offender, be arrested at an earlier age and continue offending well into adulthood.

Stewart, Dennison, and Waterson (2002) conducted one of the few Australian studies that examined childhood factors that may predict juvenile delinquency. More
specifically, this study investigated the influence of youth maltreatment on juvenile offending. Participants were acquired from those born in 1983 who had contact with the Queensland Department of Families child protection system or the juvenile justice system before the age of 17 years. A sample of 2,694 youth records were finally utilised for the study (Stewart et al., 2002). The results indicate that both physical abuse and neglect are significant predictors of juvenile delinquency but that sexual and emotional abuse are not. Furthermore, youths who were reported victims of maltreatment were more likely (17%) than children who were not reportedly victims (10%) to become juvenile delinquents. Where the final reported case of maltreatment was in adolescence, the youth was at greater risk of committing a criminal act than when the final reported case was in childhood (Stewart et al., 2002). The interpretation of these results may be limited by the use of data that was based only on official reports; it is accepted that many crimes and cases of maltreatment go unreported and therefore it is possible that both of these are underestimated in the results of the study. It is also important to recognise that the study fails to control for extraneous factors that are believed to contribute to juvenile offending, such as socioeconomic status. Despite these limitations, this study provides strong evidence that within Australia, maltreatment of a youth may increase the likelihood of them participating in criminal activity.

The findings of Stewart et al. (2002) were later supported by an American study conducted by Fagan (2005) which investigated the effects of adolescent physical abuse on later involvement in juvenile and adult crime. The study utilised data from the National Youth Survey, in which youths made self-reports about being victims of physical abuse and participating in criminal activity (Fagan, 2005). The results suggested that a moderately strong relationship existed between a youth becoming the victim of physical abuse and their later involvement in criminal activity. This abuse was also predictive of an individual's youthful criminal activity continuing into adulthood. Results further suggested
that the influence of physical abuse on offending weakened over time and while no significant gender differences existed in the relationship between abuse and offending, when such a difference occurred, being victimised tended to have a stronger influence on offending in males (Fagan, 2005). It is therefore evident that a potential relationship exists between child maltreatment and juvenile offending; a relationship by which those youths that are victimised are at an increased risk of participating in criminal behaviour.

The context of the neighbourhood in which a youth grows up is another factor that has a strong influence on the stability of that youth’s childhood. In order to examine the nature of the relationship between neighbourhood context and juvenile offending a study was conducted by Mocan and Rees (2005) that explored childhood situational factors that lead to juveniles participating in criminal behaviour. The study relied on data previously collected by the American National Longitudinal Study of Adolescent Health Wave 1 In-home Interview, through which 20,746 students in grades seven to ten were interviewed (Mocan & Rees, 2005). The results indicated that family poverty resulted in an increased risk of youth involvement in robbery, burglary and theft, while community poverty (measured by per capita welfare spending) led to an increased risk of youth involvement in selling drugs, assault and robbery. Furthermore the results suggested that residing with a two-parent family lowered juvenile males’ probability of participation in assault and selling drugs, which may be explained by the increased supervision given by two parents (Mocan & Rees, 2005). These findings suggest that living in a low socioeconomic neighbourhood and neighbourhoods which lack supervision due to an abundance of single parent families, may contribute to a juvenile’s participation in criminal behaviour.

It is important to note that research exploring the influence of a youth’s neighbourhood context on subsequent offending has suggested that it is not an autonomous factor that contributes uniquely to offending (Schuck & Widom, 2005). This research has found that impulsivity had a greater influence on juvenile offending in poorer
neighbourhoods and non-impulsive boys who live in poor neighbourhoods are no more likely to participate in criminal behaviour than impulsive boys in better off neighbourhoods. Furthermore, both juvenile and adult offending is more likely in an individual who has suffered from early childhood maltreatment if they are from a disadvantaged neighbourhood (Lynam, Caspi, Moffitt, Wikstrom, Loeber, & Novak, 2000; Schuck & Widom, 2005). The results of studies conducted by Lynam et al. (2000) and Schuck and Widom (2005) suggested that investigating interaction between factors such as neighbourhood context and impulsivity or maltreatment may provide a more comprehensive understanding of the factors that contribute to juvenile offending than examining each factor separately.

The literature further suggests that stability factor’s are not orthogonal but are in fact multi-faceted contributors to juvenile offending. The multi-faceted nature of these factors was highlighted in a study conducted by Kumpfer and Alvarado (1998). This study identified various interrelated social problems that facilitate increases in youth’s participation in criminal behaviour. These inter-related problems were child abuse and neglect, substance abuse, early sexual involvement and displays of aggressive behaviour. Additionally, the role these factors played were found to be influenced by poor parenting and poor family attachment behaviour (Kumpfer & Alvarado, 1998). Similarly, a study by Lane (2003) identified a number of inter-related individual risk factors that contributed to female juvenile offending. The study found that individual risk factors, such as dropping out of school, physical abuse, sexual abuse, prostitution, substance abuse, gang involvement, poverty, pregnancy, and the existence of co-defendants, had a significant relationship with age at first sentencing (Lane, 2003). These studies highlight that the stability of an individual’s childhood is influenced by a number of variables, many of which are inter-related.
It is suggested that these stability factors may provide a predisposition within a youth that makes them more susceptible to participating in criminal behaviour. However, while the research suggests a relationship between stability factors and juvenile offending, drawing a causal relationship from the research that has been undertaken thus far is injudicious. Nevertheless, it is evident within this current body of literature that childhood stability factors such as maltreatment, low socio-economic status, lack of supervision, neighbourhood context, gang involvement and substance abuse are related to juvenile offending (Kumpfer & Alvarado, 1998; Lane, 2003; Mocan & Rees, 2005). It therefore becomes apparent that there is a need to examine the public’s perception of the appropriateness of these factors being considered when a juvenile offender is being punished.

The Impact of Educational Deficiencies on Juvenile Offending

Deficiencies in a youth’s education has also been identified within the literature as a childhood factor that is predictive of juvenile offending. Research has suggested that a large majority of juveniles brought before the court have experienced substantial educational problems that appear to have contributed to their engagement in criminal activity (West & Farrington, 1973). These educational problems refer to factors such as disruptive behaviour, persistent truancy, dropping out of school and also lack of academic success (Farrington, 1990; Lane, 2003; Trout, Nordness, Pierce, & Epstein, 2003).

Research investigating the link between an individual’s education and their tendency to offend has led Hansen (2003) to theorise three unique ways in which this relationship operates. He firstly suggests that while youth are at school they are separated from delinquent juveniles who may be roaming the streets instead of attending school and have a level of discipline exerted over them. Secondly, youth at school are encouraged to have aspirations, create goals and work hard to achieve them, which encourages them to take responsibility for their own futures. Finally, the school experience allows youths to
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Develop the skills and gain the knowledge that will help them achieve future success in their life. However, Hansen (2003) also recognises that not all youth gain a positive experience from their time at school, and in some cases, the problems these individuals experience at school may increase their tendency to partake in delinquent behaviour.

Nevertheless, research has strongly indicated that youth who display conduct problems while at school are at an increased risk of participating in juvenile delinquency. A study conducted by Fergusson and Woodward (2000) examined the link between conduct problems in early childhood and later delinquent behaviour. The research used data previously collected by the Christchurch Health and Development Study (CHDS) which involved 488 females undergoing various measures at intervals of development (Fergusson & Woodward, 2000). The results of the study suggested that there is a significant relationship between early childhood problems in females and later risk of educational failure, juvenile crime, substance abuse, mental health problems, and adverse sexual outcomes. Results further indicated that girls with high levels of conduct problems were more than three times more likely to be convicted of a criminal act and more than twice as likely to commit multiple offences than adolescent girls with low levels of conduct problems (Fergusson & Woodward, 2000). While these findings are limited to adolescent females, they provide strong evidence that conduct problems can increase the risk of adolescent criminal behaviour.

Literature in the area has also suggested that dropping out of school may contribute significantly to an individual’s tendency to engage in criminal activity. This is evident in the results of a study conducted by Lochner (as cited in Hansen, 2003) who found that graduating from high school significantly reduced the likelihood of a male in the US participating in criminal behaviour, even after differences in ability were controlled for. Furthermore, graduating from high school reduced the probability of a male being arrested by approximately 60 percent and incarceration by between 85 and 95 percent. A later study
conducted by Hansen (2003) compared the crime-age profiles of individuals who left school at the age of 16 years and those who remained at school beyond that compulsory leaving age. The study used self-reported data from males between the ages of 16-25 years in England and Wales to develop and compare crime-age profiles (Hansen, 2003). The results of this study indicate that, at all ages, the crime-age profile of the less educated was higher than those of the more educated, meaning that they were at higher risk of offending at all ages. Also, although the probability of the educated group committing an offence was negligible by the time they reached 25 years, the less educated group still had a comparatively high probability of offending at age 22 and by 25 were still likely to commit property, handling and violent offences (Hansen, 2003). These results indicate that ceasing their education prematurely placed youths at increased risk, not only of committing criminal offences, but also of continuing to commit these offences well into adulthood. Such findings were supported by a study conducted by Lane (2003) that found dropping out of school to be one of a number of individual risk factors that impacted on a female youth’s age at first sentencing. More specifically, if a female ceased their education prematurely, they were at a higher risk of receiving their first sentence for a criminal act at a younger age (Lane, 2003). Findings in this area therefore suggest that dropping out of school may contribute significantly to an individual’s tendency to participate criminal activity.

Researchers investigating the relationship between academic deficiencies and juvenile delinquency have found that juvenile offenders are characterised by academic underachievement and the tendency to function at a lower level of intelligence, which is reflected in their repeated poor performance in academic standardisation tests. The research has also established that youth who display disruptive behaviour in class that requires disciplinary action, or who fail to attend class at all, are at a much greater risk of participating in criminal behaviour (Finn, Scott, & Zarichny, 1988; Loeber & Farrington,
These educational problems were examined further in a study conducted by Wang, Blomberg, and Li (2005) who investigated the differences in educational backgrounds between delinquent and non-delinquent children. The study compared standardised student data, which must be submitted to the Florida Department of Education, of those students who have previously been brought before the juvenile justice system to those who have had no dealings with the justice system (Wang et al., 2005). It was concluded that delinquent youths were characterised by lower average grades, higher levels of truancy, were more often required to repeat a grade and were the recipients of more disciplinary action from their school than non-delinquent children (Wang et al., 2005). The results of this study support the findings of previous research conducted in this area and suggest that academic underachievement, truancy and behavioural problems in school are related to a youth's tendency to participate in criminal activities.

The literature pertaining to educational deficiencies such as disruptive behaviour, persistent truancy, dropping out and also lack of success makes it clear that this too is a valid factor impacting on juvenile offending (Hansen, 2003; Wang et al., 2005). The research conducted in this area has demonstrated that such deficiencies are highly common among youths who choose to participate in criminal behaviour (Wang et al., 2005). Consequently, it is apparent that educational deficiencies as well as childhood stability factors need to be examined in terms of public opinion on their consideration in juvenile punishment.

**Conclusion and Areas of Future Research**

In conclusion, the public opinion research indicates that there is no single opinion that will effectively represent the thoughts and beliefs of the whole of society. There is a lack of measurement of public opinion within Australia, but the research that has been done in the US and Canada has suggested that while the public may remain unsatisfied
with current procedures used to punish juvenile offenders, they believe a juvenile’s punishment should be proportionate to the circumstances surrounding the offence they committed and that rehabilitation should be the main goal of juvenile punishment (Barber & Doon, 2004). Existing research also suggests that ignorance of a juvenile’s background characteristics may account for the harsh attitude that has been directed towards juvenile offenders in recent decades (Covell & Howe, 1996).

It is evident that a strong relationship exists between childhood stability and juvenile offending. Maltreatment, low socio-economic status, lack of supervision, neighbourhood context, gang involvement and substance abuse were all found to predict a youth’s participation in juvenile delinquency (Lane, 2003; Tam et al., 2007; Wikstrom & Loeber, 2000). A similar relationship was evident within the literature between educational deficiencies and juvenile offending. Research indicated that disruptive behaviour, persistent truancy, dropping out and also lack of success are all associated with a youth participating in criminal behaviour (Farrington, 1990; Lane, 2003; Trout et al., 2003).

While the impact of both of these childhood factors has been examined thoroughly by the scientific community, little research has investigated the influence the public perceives that these factors should have on punishment.

This literature review has identified a need for Australian public opinion research in relation to juvenile offending generally, but more specifically the punishment of juvenile offenders. The disparity between the perception of the Australian public that there is increased prevalence and severity of juvenile crime in the community, along with the lack of research into Australian public opinion on factors that influence juvenile punishment, suggests that a gap in current research exists. Future research should aim to address the issue that there is no clear indication of the Australian community’s perception of what the appropriate goals of juvenile punishment should be, how severely juveniles should be punished, what forms the punishment should take or whether factors that
predispose criminal behaviour should be considered (Hinton, Sheperis, & Sims, 2003; Mukherjee, 1997). With changes in policy related to the policing and punishment of juvenile offenders being influenced so heavily by the apparent public opinion of both its success and the severity of juvenile crime in the community, the opinion of the public on the appropriate consequences for young offenders is important within Australian society (Mukherjee, 1997).

With research suggesting the influence of childhood stability and educational deficiencies can impact greatly on a youth’s association with criminal activity, future research should specifically investigate how such childhood factors influence the public’s perceptions of what are appropriate consequences for juvenile offenders. Therefore, as a result of this literature review, it is suggested that future research investigates the Australian public’s opinion of how severely juveniles should be punished, what forms the punishment should take, what the appropriate goals of juvenile punishment should be, and whether childhood factors that predispose criminal behaviour such as childhood stability and educational deficiencies should be considered in decisions about punishment.
References


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An Investigation of the Influence that Childhood Stability and Educational Difficulties have on the Public Perceptions of the Appropriate Punishment for Young Offenders

Penny Hyde
Abstract

While research in the area of childhood factors that predispose youths to criminal behaviour has developed a comprehensive theoretical basis, the current body of research fails to explore practical applications of this knowledge in the justice system. The purpose of this research was to bridge this gap in the literature by exploring whether society believes that childhood factors, such as an unstable childhood and educational difficulties, should influence the severity of the consequence a young offender should receive and the appropriate goal of punishment for the consequence. The study consists of a 2x2 (childhood stability x educational difficulties) between subjects design with the implementation of a quantitative research approach which also involved participants explaining their responses. 120 participants were randomly assigned to four experimental groups in which they received a questionnaire with a scenario containing experimentally manipulated information. The results indicate that participants believe the stability of the young offender’s childhood and any difficulties they had with their education should not influence the severity of the consequence they receive. The results further indicate that in theory participants believe that the consequence given to a young offender should act as an individual deterrent, while in practise they suggest specific consequences that reflect a general deterrence goal of punishment. However participants do believe that young offenders with unstable childhoods and difficulties with their education are more suited to a rehabilitative goal of punishment than those with more stable childhood backgrounds.

Keywords: public perception, young offenders, educational difficulties, childhood stability, childhood factors.
An Investigation of the Influence that Childhood Stability and Educational Difficulties have on the Public Perceptions of the Appropriate Punishment for Young Offenders

Despite no actual significant increase in crime statistics, contemporary Australian society is of the view that the financial and social cost of youth crime has been increasing over recent decades, consequently leading to increased interest in the area (Hinton, Sheperis, & Sims, 2003). This increased interest from the community has been interpreted by policy makers as societal dissatisfaction with current juvenile justice practices and has subsequently resulted in reforms pertaining to the policing and punishment of youths within various Australian states (Mukherjee, 1997). However, within Australia, the actual measure of public opinion in relation to youth crime as a whole, and more specifically the punishment young offenders should receive, is at best scarce. Public opinion research serves an important role, not only within academic arenas, such as social psychology, but also in terms of informing government policy and the reflection of societal norms (Gallup, 1988). The current lack of Australian research pertaining to public opinion on the punishment of young offenders has resulted in there being no clear indication of the public's opinion in relation to factors that should be considered when deciding upon consequences for offending youths.

Public Opinion on the Punishment of Young Offenders

Although contemporary society is of the belief that the financial and social cost of youth crime has been increasing over recent decades, the limited statistical investigation of youth crime within Australia actually suggests the opposite (Hinton et al., 2003; Mukherjee, 1997). A statistical calculation of trends in youth offending within Australia suggests that there has been a general decline in the past 24 years in the number and rate of young offenders being placed in detention, with a 53 per cent drop in the number of male youths detained and a 82 per cent drop in the number of females detained since 1981 (Veld & Taylor, 2005). A study by Weatherburn and Indermaur (2004) examined public
perceptions of crime trends in both Western Australia and New South Wales. They found that there was a widespread misunderstanding of trends in crime, in which there is a tendency to perceive that crime is increasing regardless of its actual prevalence within the community. This disparity between the reported perception of contemporary society and the actual prevalence of such crime within the community, suggests that either public opinion is not accurately and effectively being measured or that the community simply does not perceive the prevalence of youth crime accurately (Hinton et al., 2003; Mukherjee, 1997).

Although there has been little research conducted on public opinions of juvenile justice in Australia, the area has been examined in research conducted overseas, particularly in the United States (Baron & Hartnagel, 1996; Soler, 2001). While the findings of this research may not be able to be generalised to Australia, it provides an overview of the public opinion that exists in other democratic countries with legal systems similar to Australia’s. In terms of public perception, literature within the area of the punishment of young offenders, US research provides the only clear description of past and present opinion and trends. US research on the public’s opinion towards the punishment of young offenders has, over recent decades, found general support for getting tougher on youth crime and punishing youths as harshly as their adult counterparts (Soler, 2001). Further, polls have also indicated that the US public perceives juvenile courts to be responding too leniently to young offenders (Hart, 1998; Sprott, 1998). However, research by Scott, Reppucci, Antonishak, and DeGennaro (2006) indicates a contemporary fluctuation in US public opinion in relation to the punishment of young offenders. Their research suggests that the public recognises that young offenders are influenced by their developmental immaturity, supports differential treatment for young offenders, and indicates that the public is not strongly negatively influenced by the youth’s race, physical maturity, or appearance of “toughness”.
This apparent swing in US public opinion may be the result of either a genuine change in opinion or a reflection of public opinion research being vulnerable to methodological flaws. Such flaws may include the utilisation of invalid measures or biased sampling, particularly in the case of media led public opinion polls in which samples are typically individuals who are self-selected due to a passionate interest in the area; leading to a large proportion of the sample holding extreme views on the topic being explored (Pan, Abisaid, Paek, Sun, & Houden, 2006; Traugott, 2003). Another possible methodological flaw in public opinion research is the use of a quantitative research design in which only pre-set answers can be given by the respondent. Little research provides the respondent with an opportunity to articulate their exact thoughts and feelings on the matter through the use of a qualitative research design and therefore a clear and complete understanding of the public’s opinion cannot be gained (Baron & Hartnagel, 1996; Hart, 1998; Soler, 2001; Sprott, 1998). It may be such flaws that have led to an inaccurate representation of the public’s opinion on the punishment of young offenders (Scott et al., 2006).

The Goals of Punishment

The literature suggests that the goals of punishment are an important factor that influences the form a young offender’s punishment will take (Cullen, Fisher, & Applegate, 2000; Nagin, Piquero, Scott, & Steinberg, 2006). There are traditionally considered to be four major goals of punishment, which are used as a basis for determining the severity and type of consequence an offender should face. These goals have been identified as retribution, rehabilitation, incapacitation and deterrence (Goldsmith, Israel, & Daly, 2003). Contemporary Western society believes that young offenders should be held to the same standards as adults in terms of the law however, they also believe that the notion of rehabilitation is more pertinent to, and appropriate for, young offenders (Cullen et al., 2000). A study by Schwartz (as cited in Cullen et al., 2000) suggests that, in terms of the
goals that youth punishment should serve, 78% of the American public were of the opinion that the main purpose of youth punishment should be the treatment and rehabilitation of the offender. These findings were later supported by Nagin, Piquero, Scott, and Steinberg (2006). Nagin et al. (2006) also suggested that in terms of goals of punishment, the public believe that young offenders should be rehabilitated rather than simply incapacitated, as the youth’s behaviour and thinking is still forming and able to be changed.

The goals of punishment provide different aims for the purpose and outcome of punishing an individual for committing a criminal act. Retribution suggests the individual should be imprisoned because a person who inflicts harm should receive harm; rehabilitation suggests criminal punishment should re-educate offenders so that they are unlikely to re-offend; incapacitation suggest that individuals should be imprisoned to keep them segregated from society so that they are simply unable to re-offend; and, finally deterrence suggests that criminal punishment should discourage people from committing crime (Butt, 2004). There are two forms of deterrence; the first being individual deterrent which involves discouraging an individual from re-offending. The other is general deterrent which involves discouraging any prospective offenders from undertaking criminal activity through the illustration of the potential punishment (Goldsmith et al., 2003). While, these have traditionally been identified as the four goals of punishment, it could be argued that within contemporary society incapacitation can serve as a way to facilitate these goals of punishment as opposed to being a goal of punishment.

Traditionally, policies surrounding youth punishment have fluctuated between retributive and rehabilitative approaches, but have endeavoured to maintain a balance between the two (Day, Howells, & Rickwood, 2004; Jenson & Howard, 1998). Within Australia, the 1970’s to 1980’s saw widespread disillusionment with the concept of rehabilitating offenders, however in more recent times an increase in prisoners within
Australia has led to a re-focus on the rehabilitation of offenders by prison authorities and policy makers (Howells & Day, 1999).

The Impact of Childhood Stability on Youth Offending

In order for the justice system to impose a consequence for a young offender’s illegal behaviour, policies and laws must outline the goal of punishment the consequence should serve and a guide to the severity of the consequence. However this policy must also outline any mitigating or aggravating circumstances that can influence the consequence. The issue for policy makers therefore becomes which factors or circumstances should be allowed to influence the consequence a young offender receives.

Research on youth offending has identified a number of childhood factors that predispose youth to criminal behaviour. While the impact of these factors has been examined thoroughly by the scientific community, little research has investigated the influence the public perceives these factors to have on offending and the impact they should have on punishment. Of the various childhood factors investigated, research has suggested that an unstable childhood can be a particularly strong predictor of offending at a young age (Lane, 2003). Childhood stability refers to factors such as maltreatment, low socio-economic status, lack of supervision, neighbourhood context, gang involvement and substance abuse (Lane, 2003; Tam, Heng, & Bullock, 2007; Wikstrom & Loeber, 2000).

Within the literature, maltreatment and the neighbourhood context of a youth are the most established predispositions to youth offending. Both physical abuse and neglect have been found to be more likely than children who are not reportedly victims to participate in criminal behaviour (Fagan, 2005; Stewart, Dennison, & Waterson, 2002). Family poverty can lead to an increase risk of youth involvement in robbery, burglary and theft, while community poverty can lead to an increased risk of youth involvement in selling drugs, assault and robbery. Also, residing with a two-parent family lowers a young male’s probability of participation in assault and selling drugs, which may be explained by
the increased supervision given by two parents (Mocan & Rees, 2005). The context of a youth's neighbourhood and maltreatment has a strong influence on the stability of that youth's childhood. It is therefore apparent that these factors may contribute to his or her participation in criminal behaviour.

The Impact of Educational Difficulties on Youth Offending

Difficulties in a youth's education have also been identified within the literature as a childhood factor that is predictive of youth offending. Research has suggested that a large majority of youths brought before the court have experienced substantial educational problems that appear to have contributed to their engagement in criminal activity (West & Farrington, 1973). These educational problems refer to factors such as disruptive behaviour, persistent truancy, dropping out and also lack of success (Farrington, 1990; Lane, 2003; Trout, Nordness, Pierce, & Epstein, 2003). Researchers investigating the relationship between academic difficulties and youth offending have found that young offenders have lower average grades, tend to function at a lower level of intelligence and are often required to repeat a grade. It is further suggested that youths who display disruptive behaviour or who fail to attend class at all, are at a much greater risk of participating in criminal behaviour (Finn, Scott, & Zarichny, 1988; Loeber & Farrington, 1998; Pollard, Pollard, & Meers, 1995; Wang, Blomberg, & Li, 2005; Zabel & Nigro, 2001). The findings suggest that academic underachievement, truancy and behavioural problems in school are related to a youth's tendency to participate in criminal activities.

The literature suggests that the stability of a youth's childhood and the presence of educational difficulties may create a predisposition within an adolescent that makes them more susceptible to participating in criminal behaviour (Hansen, 2003; Kumpfer & Alvarado, 1998; Lane, 2003; Mocan & Rees, 2005; Wang et al., 2005). However, while the research suggests a relationship exists, drawing a causal relationship from the current literature is injudicious. With these factors predisposing youths to criminal behaviour,
Youth Offending

Together with the need to learn about public sentiment so that, to a degree, it can be reflected in law, it becomes apparent that there is a need to examine the public’s perception of the appropriateness of these factors being considered when a young offender is being punished (Fishkin, 1995).

*The Current Research*

It is evident that there is a need for Australian public opinion research in relation to youth offending generally, but more specifically the punishment of young offenders. The disparity between the perception of the Australian public that there is an increased prevalence and severity of youth crime in the community, along with the lack of research into Australian public opinion on factors that influence youth punishment, suggests that a gap in current research exists. While research in the area of childhood factors that may act as predispositions to criminal behaviour has developed a comprehensive theoretical basis, the current body of research fails to explore practical applications of such knowledge (Lane, 2003; Mukherjee, 1997). Currently the Australian criminal courts allow for the argument of both mitigating and aggravating circumstances at sentencing which influence the type and severity of punishment the offender receives. Yet, no research has explored the use of these childhood factors within the Australian courts as mitigating circumstances.

The current research aims to bridge this gap by establishing a link between childhood predisposition research and its possible application in the criminal justice system within Western Australia. This involved the exploration of whether society believes that childhood factors, such as an unstable childhood and educational difficulties, are viewed as important mitigating circumstances in juvenile sentencing. This opinion is important as policy and law makers respond to perceived public opinion in an attempt to stay in line with contemporary societal values (Mukherjee, 1997). The research further bridges the gap in the current literature by providing an indication of the Western
Australian public’s opinion on the severity of punishment young offenders should receive and goals that this punishment should serve.

The present study employed a quantitative research method, which also involved participants explaining their responses, to establish how childhood instability and educational problems in a youth’s background affected the way in which the public believe the individual should be punished for their criminal behaviour. In doing so, the research was guided by the following research questions; Does a young offender’s history of childhood instability and/or educational difficulties influence the severity of the consequence the public believe they should face? Does a young offender’s history of childhood instability and/or educational difficulties influence the specific form the public believe the consequence should take? Does a young offender’s history of childhood instability and/or educational difficulties influence the goal of punishment the public believe the consequence should achieve? Finally, what aspects of a young offender’s circumstances do the public believe should be considered when deciding the consequence that a juvenile offender should face?

Method

Research Design

The present study employed a 2x2 (childhood stability x educational difficulties) between subjects design and involved the implementation of a quantitative research approach which also involved participants explaining their ratings. The design produced four experimental conditions. The manipulation of the independent variables occurred within four separate vignettes in which a young offender had either; a stable background and no educational difficulties, a stable background and educational difficulties, an unstable background and no educational difficulties or an unstable background and educational difficulties. The dependent variables included the severity of the consequence the young offender should receive and the goal of punishment this consequence should aim
to achieve, which were both measured using quantitative methods. The form the consequence should take and the elements of the scenario that should be considered when determining the consequence, were additional qualitative questions that were used to gain a deeper understanding of the rationale behind the quantitative responses.

**Participants**

The sample comprised 120 participants, with 30 participants being randomly assigned to each of the four experimental groups. All participants were over the age of 18 years \( (M = 32.7, SD = 13.3) \). The demographic information of the participants is outlined in Table 1; the table also illustrates the average population demographics according to the 2006 Australian Census (ABS, 2007a; ABS, 2007b).

<table>
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<tr>
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<th>2006 Census</th>
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<tr>
<td><strong>GENDER</strong></td>
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<tr>
<td>Male</td>
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<tr>
<td>Female</td>
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<td><strong>AGE</strong></td>
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<tr>
<td>15-24 yrs</td>
<td>13.6%</td>
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<tr>
<td>25-54 yrs</td>
<td>42.2%</td>
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<tr>
<td>55-64 yrs</td>
<td>11.0%</td>
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<td>65 + yrs</td>
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<td>Median</td>
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<tr>
<td><strong>FAMILY INCOME</strong></td>
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<tr>
<td>Yearly Income ($)</td>
<td>60,892</td>
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<td><strong>HIGHEST EDUCATION</strong></td>
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<tr>
<td>Primary</td>
<td>7.2%</td>
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<tr>
<td>Secondary</td>
<td>42.2%</td>
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<tr>
<td>TAFE</td>
<td>-</td>
<td>36.70%</td>
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<tr>
<td>Tertiary</td>
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Although stratified sampling was not the aim, the sample composition approximately reflected the general population in terms of gender and family income.
However, the sample is more educated and of a younger median age than the general population.

The recruitment of participants was carried out by three researchers conducting research with similar methodologies requiring an identical sample population. Forty participants were recruited by each of the three researchers. The participants were recruited using a snowballing method, resulting in a non-random selection. In doing so each researcher selected an initial group of people with varying demographics to receive between 5 and 10 questionnaires (depending on how many they were willing to accept). This initial group of participants was then required to recruit fellow participants to complete the questionnaires they had been assigned (Etter & Perneger, 2000).

Materials

The research required the use of four separate vignettes and one questionnaire. The vignettes were concise scenarios in which a young male was depicted stealing electrical equipment from an unoccupied house and information was experimentally manipulated. Appendix A contains a copy of each vignette.

The questionnaire used contained eight questions in total. The first four aided in the collection of demographic information about the participant including age, gender, income range and educational background. The final four questions related directly to the accompanying vignette. Of these, question one and three used quantitative methods to measure ratings of the severity of the consequence the young offender should face on a Likert-type scale and the nomination of the goal the punishment should aim to achieve. Question two was an open ended question that asked about the specific consequence participants thought the young offender should receive. This question was used to identify whether the specific consequence matched the goal of punishment they believed the consequence should achieve. Question four asked about the aspects of the scenario that influenced the participant’s opinions on the appropriate consequences for the young
offender. A copy of the questionnaire has been included as Appendix B. In order to ensure that participants were fully informed about the research they were provided with an information sheet and this has been included as Appendix C.

Procedure

Three researchers used similar methodologies requiring an identical sample population and so worked collaboratively for the purposes of sample recruitment. Consequently, each participant received one copy of each researcher’s questionnaire stapled together in a booklet. The order in which the questionnaires were presented in the booklet was randomly determined to counteract any order biases. The initial group of participants, selected by the researchers was asked to read the participant information form. Before commencing the questionnaires, the researcher reiterated to the participants that their participation was voluntary and that they were able to withdraw at any point, they were also asked not to place any identifying information on the questionnaires to maintain anonymity. Participants were then given the opportunity to ask the researcher any questions. After being randomly assigned to an experimental condition, the participants then received the appropriate booklet.

Upon their completion of the questionnaires, the participants were given an agreed number of additional copies of the booklet to distribute to other individuals. The participants were then instructed to inform the individuals they recruited that their participation was voluntary and that if they had any questions to email the researcher at the address provided on the participant information letter. The original participants then collected the questionnaires they distributed and returned them to the researcher.

Results

The analysis of collected quantitative data was performed by computer using SPSS version 15.0. A Two-way ANOVA was conducted to determine difference in the severity
of the consequence the young offender should receive. The ANOVA indicated no main effect for either childhood stability or educational difficulty and no interaction.

The goal of punishment the consequence given to the young offender should aim to achieve was analysed using a 4x4 Chi-Square. However the results could not be interpreted because the minimum of 5 participants in the expected count per cell was violated. Consequently, a one-way chi-square was conducted for associations between each of the four goals of punishment and the four experimental conditions. The chi-square conducted on the rehabilitative goal of punishment was the only one to have significant associations with the experimental conditions ($\chi^2(3, N=120) = 8.44, p=0.04$). 26.7% of participants in the ‘unstable childhood and educational difficulties’ experimental group believed the young offender should have a rehabilitative goal of punishment, 13.3% from the ‘stable childhood and educational difficulties’ experimental group, 13.3% from the ‘stable childhood and no educational difficulties’ experimental group and 6.7% from the ‘unstable childhood and no educational difficulties’ experimental group. In terms of the frequency of the responses given by the participants; 62.5% of responses indicated a young offender’s consequence should serve an individual deterrent goal of punishment, 15.0% of responses indicated a rehabilitative goal of punishment, 13.3% a retributive goal of punishment and 0.8% indicated a general deterrence goal of punishment.

The textual responses were analysed through thematic content analysis, by which the data was initially examined to identify the major themes in the responses given by the participants (Liamputtong & Ezzy, 2005). These themes acted as the initial categories in which the responses were grouped. As the analysis was performed, these categories were revised and refined to produce insights into punishment preferences and salient offence aspects that were used to indicate the reasoning participants used in formulating their quantitative responses (Liamputtong & Ezzy, 2005). The data produced by the content analysis was checked for inter-rater reliability, with 15 randomly selected questionnaires
being given to one of the researchers performing similar research. No discrepancies were found between the coding of the researcher and the independent coder.

Question two identified how, specifically, the participants thought the young offender should be punished. Thematic content analysis identified seven different responses given by the participants. The themes were; apologise, provide compensation to the victim, community service, counselling, treat underlying causes, detention, warning and no response. The percentages by which the participants responded are illustrated in Table 2.

Table 2

<table>
<thead>
<tr>
<th>Theme Total</th>
<th>Apologise</th>
<th>Provide Compensation to the Victim</th>
<th>Community Service</th>
<th>Counselling</th>
<th>Treat Underlying Causes</th>
<th>Detention</th>
<th>Warning</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.30</td>
<td>35.80</td>
<td>53.30</td>
<td>31.70</td>
<td>19.20</td>
<td>12.50</td>
<td>5.80</td>
<td>1.70</td>
<td></td>
</tr>
</tbody>
</table>

Note. The variables represent percentages of the frequency at which each theme was indicated by participants and in some instances participants provided multiple responses.

These responses were re-classified according to the accepted goals of punishment, so that a comparison could be made to the responses given in question three. In order to make these re-classifications, five independent coders were asked to classify each of the responses outlines in Table 2 as either having a retributive, rehabilitative, general deterrence or individual deterrence goal of punishment. Where discrepancies in the re-coding occurred, the most frequent way in which a response was coded was adopted for the purposes of this re-coding. ‘Apologise’, ‘make amends/restitution’ and ‘warning’
Youth Offending

appeared to be aimed at a goal of individual deterrence. 'Counselling' and 'treat underlying causes' appeared to be aimed at the goal of rehabilitation. 'Community service' and 'detention' appeared to be aimed at the goal of general deterrence. Within this re-categorisation none of the specific punishments suggested by participants appeared to be aimed at the retributive goal of punishment. The results of this re-classification of participants' responses to question two are outlined in table 3. In terms of this re-coding, it needs to be kept in mind that the re-classification of these responses was in terms of accepted goals of punishment and only applies to this research material. It is not an analysis of the public's preferred punishment aims for young offenders in general.

Table 3

<table>
<thead>
<tr>
<th>Frequency of Participant's Responses to the Specific Punishment that the Juvenile Offender should Receive - Re-coded to reflect the Goals of Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Deterrence</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Stable Childhood + No Educational Difficulty</td>
</tr>
<tr>
<td>Unstable Childhood + No Educational Difficulty</td>
</tr>
<tr>
<td>Stable Childhood + Educational Difficulty</td>
</tr>
<tr>
<td>Unstable Childhood + Educational Difficulty</td>
</tr>
<tr>
<td>Purpose Total</td>
</tr>
</tbody>
</table>

Note. The variables represent percentages of the frequency at which each theme was indicated by participants

Question four explored what the aspects of the scenario were that influenced the participants' opinions on the appropriate consequences for the young offender. Thematic content analysis identified five different themes: childhood background, educational background, age, circumstances of the crime and no/improper response. Some participants gave more than one response. The age of the offender was an influential aspect of the scenario for 50.0% of participants; 35.8% of participants responded that the offender's childhood background was an influential aspect; 32.5% responded that the offender's
educational background was an influential aspect and finally 28.3% that the circumstances of the crime was an influential aspect of the scenario.

Discussion

The current research aimed to bridge the gap between the comprehensive theoretical basis of research that examines childhood factors that may act as predispositions to criminal behaviour and its failure to explore practical applications for such knowledge. This was achieved by exploring whether society believes that childhood factors such as an unstable childhood and educational difficulties should influence a young offender’s punishment and therefore act as mitigating circumstances in sentencing.

Does a young offender’s history of childhood instability and/or educational difficulties influence the severity of the consequence the public believe they should face?

The participants were asked to indicate on a Likert-type scale the severity of the consequence the young offender depicted in the scenario should receive for their participation in criminal behaviour. An ANOVA indicated that there was no significant difference between the experimental groups in terms of the severity of consequence that the participants believed the young offender should receive. It is therefore suggested that a young offender’s background of childhood instability and educational difficulties had no influence on the severity of the consequence that participants believed the young offender should face.

With the literature in the area of childhood predispositions to criminal behaviour providing a strong link between childhood factors such as childhood stability and educational difficulties and a youths participation in illegal activity, it would have been justified to expect that such factors would influence the severity of the consequence the participants believed the young offender should receive (Fagan, 2005; Farrington, 1990; Lane, 2003). The participants’ responses may reflect their lack of knowledge on the influence such factors can have on a youth’s participation in criminal behaviour. This
ignorance highlights a need for public education and discussion. It is also possible that the participants feel that childhood instability and difficulties in education have been presented in the scenario in an attempt to provide an excuse for the young offender rather than illustrate the cause of their behaviour. Instead of recognising that these are factors that can be addressed as part of the consequence to ensure the youth does not re-offend, the participants appear to have let them influence their judgement in a negative way.

*Does a young offender's history of childhood instability and/or educational difficulties influence the goal of punishment the public believe the consequence should achieve?*

The participants were asked which purpose of punishment they felt the young offender’s consequence should serve and were able to select one of four pre-determined responses. These responses were in the form of a short sentence that depicted either an individual deterrence, rehabilitative, general deterrence or retributive goal of punishment. These four purposes of punishments were chosen as the pre-determined responses after careful consideration of the research. With incapacitation serving as a method to achieve any of the goals of punishment it was determined that this would not be included as an option to participants. Furthermore the literature clearly distinguishes the difference between general and individual deterrent and suggests that they are in fact separate goals of punishment. Therefore both general and individual deterrence options were presented to participants as possible goals of the young offender’s punishment (Goldsmith et al., 2003).

In terms of the goals of punishment the participants believed the young offender’s punishment should serve, the majority (62.5%) indicated that the offender’s consequence should act as an individual deterrent. This support for individual deterrence does not correspond with the recent re-focus on the rehabilitation of offenders by prison authorities and policy makers in Australia (Howells & Day, 1999). This discrepancy may indicate that current policy regarding the punishment of young offenders may not reflect public opinion in terms of the goal of punishment that they believe the consequence should serve.
The rehabilitative goal of punishment was the only goal to have a significant difference across the four experimental conditions. Participants in the 'unstable childhood and educational difficulty' experimental group indicated the greatest support (26.7%) for the young offender receiving a consequence with a rehabilitative goal of punishment. This finding suggests that participants believed offenders who had experienced an unstable childhood and educational difficulties are more suited to a rehabilitative goal of punishment than those with more stable childhood backgrounds. This finding may indicate some form of recognition from participants that these factors are causes of criminal behaviour that can be treated in an attempt to reduce the likelihood of re-offending. If participants were more educated on the relationship between such childhood factors and criminal behaviour, they might realise the extent of its influence and this recognition may become more pronounced and evident in the severity of the consequences.

Does a young offender's history of childhood instability and/or educational difficulties influence the specific form the public believe the consequence should take?

In terms of the specific consequences the participant's believed the young offender should receive; in general 'community service' was the most suggested consequence for the young offender, followed by 'provide compensation to the victim', 'counselling' and then 'treat the underlying causes'. The scenario in which the young offender had an 'unstable childhood and an educational difficulties' was the only experimental group to have suggested consequences that differed considerably from this overall trend. This scenario had 'counselling' as the most suggested consequence, followed by 'treat the underlying causes', 'community service' and then 'provide compensation to the victim'. These findings indicate that participants believe that these young offenders should receive different forms of punishment than young offenders with a more stable childhood background.
The purpose of this textual question was to acquire additional information to further explain the quantitative responses. To facilitate this, the responses given to this question were re-classified in order to reflect the goals of punishment. This provided an understanding of the relationship between the participant’s philosophy of youth punishment and how they believed this should translate into the actual punishment of young offenders.

The re-classification indicated that 64.2% of participants suggested a consequence that had a general deterrent goal of punishment, 45.8% an individual goal, while 41.7% of participants suggested a rehabilitative goal of punishment. It should be noted that some individuals provided multiple consequences for the young offender and this resulted in multiple goals of punishment being analysed for each participant. These multiple responses may indicate that participants believe that punishment should serve multiple goals. These findings suggest that participants believed that general deterreants should be the goal of punishment when deciding upon a consequence for young offenders. Again, the scenario in which the young offender had an ‘unstable childhood and an educational difficulty’ was the only experimental group to have suggested goals of punishment that differed from this overall trend.

For this scenario, 56.7% of participants suggested a consequence that had a rehabilitative goal of punishment, 53.3% suggested a consequence that had a general deterrence goal of punishment, while 40.0% of participants suggested a consequence that had an individual deterrent goal of punishment. This result supports the significant chi-square finding in the quantitative analysis which suggests that participants find offenders with unstable childhoods and educational difficulties more eligible for a rehabilitative goal of punishment than young offenders with a more stable childhood background. This may again be in response to some recognition that these young offenders have underlying
causes of their illegal behaviour and that if they are addressed the offender may be rehabilitated.

The results of the quantitative question asking which purpose of punishment they felt the young offender’s consequence should serve suggests that the majority of participants in all experimental conditions felt that individual deterrence should be the goal of a young offender’s punishment. The disparity between the results of this quantitative question and those emerging from the textual responses suggests a difference between the participant’s theoretical ideals and the way they translate into practice. In theory participants believe that regardless of the young offender’s background the consequence should serve as an individual deterrent; in practice they believe, in general, that young offenders should receive a punishment with a general deterrent goal of punishment. They also believe in practice young offenders with an unstable childhood and educational deficiencies should have rehabilitative goals for their punishment and receive different forms of punishment.

This disparity could be an indication that while, in theory, participants do not believe that the childhood background of a young offender should influence their punishment, on a practical level they are aware that this background may identify a cause of this behaviour which should be addressed. As suggested previously, it may be that participants were confusing this background information as an attempt to provide an excuse for the behaviour rather than highlighting the cause. This is illustrated clearly in the textual response given by one of the participants when they stated, “your background should not be an excuse”. It is also possible that this disparity is simply the result of the subjective coding process that was employed to re-code the specific consequence responses into the goals of punishment. So the re-coded responses may not be a comprehensive reflection of the goals of punishment the participants believed should be
reflected by the consequence but instead a reflection of how their specific consequences relate to the goals of punishment presented in the literature.

What aspects of a young offender's circumstances do the public believe should be considered when deciding the consequence that a young offender should face?

Participants were asked to identify which aspects of the scenario influenced their opinion on the consequence for the young offender. This measure was employed, not only to ascertain which factors the participant thought should be considered when determining a young offenders consequences, but also to ensure that participants had considered the circumstances of the offender's background that were presented in the scenario. This was done by making them consciously think about the information presented in the scenario.

In terms of the aspects that influenced the participant's opinions, only 35.8% of participants were influenced by the childhood background of the offender, while 32.5% were influenced by the educational background of the young offender. The age of the offender was the most influential factor for participants in three out of the four experimental conditions. This finding provides support to the insignificant ANOVA result in the quantitative analysis by suggesting that the participants do not believe that the childhood and educational background of a young offender should be considered when deciding upon the consequence for their illegal behaviour.

While age (50.0%) was the most influential factor for participants, there was a discrepancy in the reason for the age of the offender being a consideration. This discrepancy is most clearly illustrated by the textual responses given. Some suggested, "He is 15. He knows he is doing the wrong thing" and "He is 15 yrs old and nearly an adult". While others stated, "John's age - teenage years are critical periods and still developing maturity and reasoning" and "His age - he is still young and therefore has the potential to change". The difference in these responses indicate that while some viewed the offender's
age as a reason to be severe in his consequence, other participant’s viewed it as a reason to be lenient.

In the scenario where the young offender had an unstable childhood and difficulties in his education, these were the most influential factors for participants. This finding may be an indication that participants recognised the significance of such background characteristics but were unwilling to let them influence the severity of the consequence the young offender receives. This may again relate to the participants believing that these childhood predispositions to crime are being used as an excuse rather than being identified as a cause that can be treated.

Conclusions drawn from this study

The results of the current study suggest that the participants believe that the circumstances of a young offender’s background such as the stability of their childhood and any difficulties they had with their education should not influence the severity of the consequence they receive. The results further indicate that in theory, participants believe that the consequence given to a young offender should act as an individual deterrent, while in practice they suggest specific consequences that reflect a general deterrent goal of punishment. However participants do believe that young offenders with unstable childhoods and difficulties with their education are more suited to a rehabilitative goal of punishment than those with more stable childhood backgrounds and should receive different forms of punishment than these other young offenders. The disparity of the influence these childhood factors between the severity of punishment and the goals of punishment make it difficult to draw general conclusions about the participant’s acceptance of these childhood factors being presented as mitigating circumstances in courts.
Limitations of the Current Research

The current research employed a relatively small vignette in which to manipulate the childhood predispositions the young offender had to participating in criminal behaviour. Providing such little detail may have made it hard for the participants, not only to make a decision about the young offender’s punishment, but also develop the same empathetic connection as in a real life situation. The qualitative analysis identified comments such as, “I don’t think it’s possible to have an opinion in this case without much more information”. It is not typical in the courts for such little information to be known about an offender and the circumstances of their offence when a punishment is being decided. However a short vignette was decided upon in order to control for any confounding variables that may occur as a result of including peripheral information. Krosnick (1991) suggested that the number and difficulty of the words in a vignette will influence a participant’s tendency to process the information with less care and efficiency than they would under ideal or real conditions.

Another limitation of the current research was the combination of three researcher’s questionnaires. The questionnaires of all three researchers were identical with different variables in the vignettes being manipulated by the different researchers. These were placed together in a booklet with participants answering the same questions three times with small variations in the scenarios. During the initial stages of collecting completed questionnaires, a cursory examination of the responses indicated that a number of participants wrote response such as, “same as previous page” and “as previous scenario” for the textual questions. This suggested that participants may not have been considering the circumstances of each scenario separately, resulting in invalid responses. It was hoped that the random order of the questionaries may counteract some of the bias caused by this methodological flaw. In a further effort to reduce the impact of this limitation, all booklets that had not been distributed to participants at that time (31 of the 120) had colour sheets
of paper placed between the three different questionnaires that had “please treat this next scenario separately from the previous one” written on it. It is important to note that such responses may also represent participant’s unwillingness to take factors such as childhood stability and educational difficulties into consideration.

The method of participant recruitment was a shortcoming in the methodology of the research. The use of a snowballing sampling method is not likely to produce a sample which is statistically representative of the larger population as it does not result in a random sample (Fitzgerald & Cox, 2002). As a consequence the external validity of the results may be compromised, meaning that care must be taken in generalising the findings (Martin, 2004). However, forgoing the acquisition of a random sample was necessary within this experiment in order to adhere to time restrictions and to ensure a large sample was obtained. An attempt was made to counteract the bias of this sampling method through the recruitment of 40 participants from the three researchers employing the snowballing technique ensuring a wider demographic range. A comparison of the demographic characteristics of the current sample to the wider population through the use of the 2006 Australian Census data suggests that the gender and family income of the sample are similar to the general population; however it must be noted that the sample is more educated and of a younger median age than the general population (ABS, 2007a; ABS, 2007b). This necessary limitation provides an opportunity for further research to incorporate a more randomised sampling method.

**Areas for Future Research Identified by the Current Research**

It has been suggested that the disparity between the results of the quantitative and textual question relating to goals of punishment may illustrate that participants were confusing the background information presented in the scenario as an attempt to provide an excuse for the behaviour rather than highlighting the cause. Future research should investigate this possible confusion of childhood predispositions to criminal behaviour as
an excuse for such behaviour instead of a cause that can be treated. In doing so future research would provide clarification as to whether the public believe treating childhood factors that predispose youth to criminal behaviour as part of their consequence is acceptable.

Another future area of research identified is the influence of a participant’s knowledge. In analysing the two types of data it became evident that participants may not have had an understanding of the research findings in relation to childhood predispositions to criminal behaviour. It also became evident that the difference between the severity of punishment and the goals of punishment were not clearly separated in the current research. Therefore future research should explore these aspects as well as recognise that punishment can meet a number of goals at the same time.

One final future area of exploration was identified as a result of participants being asked to identify which aspects of the scenario influenced their opinion on the consequence for the young offender. It was determined that the age of the offender was the most influential factor presented in the scenario for the participants. This was not a variable explored by the current research; however the textual responses of the participants indicate that it could be a variable that influences the severity and purpose of the consequence the public believe a young offender should receive. Future research should explore the influence of this variable, particularly if the age of the offender influences the public’s opinion on childhood characteristics being considered in sentencing.
References


Appendix A

SCENARIO 1 (UNSTABLE CHILDHOOD AND NO EDUCATIONAL PROBLEMS)
John has been arrested for breaking into an empty house and stealing $200 worth of electrical equipment. Some background information on John is that he is 15 years old who has always done well at school and has had a fairly unstable childhood.

SCENARIO 2 (STABLE CHILDHOOD AND NO EDUCATIONAL PROBLEMS)
John has been arrested for breaking into an empty house and stealing $200 worth of electrical equipment. Some background information on John is that he is 15 years old who has always done well at school and has had a fairly stable childhood.

SCENARIO 3 (UNSTABLE CHILDHOOD AND EDUCATIONAL PROBLEMS)
John has been arrested for breaking into an empty house and stealing $200 worth of electrical equipment. Some background information on John is that he is 15 years old who has never done well at school and has had a fairly unstable childhood.

SCENARIO 4 (STABLE CHILDHOOD AND EDUCATIONAL PROBLEMS)
John has been arrested for breaking into an empty house and stealing $200 worth of electrical equipment. Some background information on John is that he is 15 years old who has never done well at school and has had a fairly stable childhood.
Appendix B

Public Opinion Survey

This is an anonymous questionnaire. Please ensure that you do not record your name, or any other information that will make you identifiable. By completing the questionnaire you are consenting to take part in this research. As such you should first read the enclosed Information Letter carefully as it explains fully the intention of this project.

Please read the brief scenario that appears below and answer the questions that follow it. There are no right answers to the questions, your personal opinion is all that is needed.

Scenario

**for a copy of each scenario please refer to Appendix A**

Questions

1 Please place a cross on the scale below to indicate your opinion on what consequences there should be for John.

| no consequences | maximum penalty allowed by law |

2 What, specifically, do you think should happen to John?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3 Regarding the purpose of the consequences to John, please place a cross next to the reason for it that you feel is the MOST important.

☐ Because he needs to be deterred from ever doing this again.
☐ Because he needs rehabilitation.
☐ Because he needs to be made an example of.
☐ Because the punishment needs to fit the crime.
4 What aspects of the scenario influenced your opinions on consequences for John? Please briefly describe how.


Thank you very much for completing this questionnaire.

GENERAL INFORMATION ABOUT THE PERSON WHO HAS COMPLETED THESE QUESTIONNAIRES

Please note that this information is anonymous.
Do not record your name anywhere on any of the questionnaires.

As with all public opinion research, we need to be sure that the results of these surveys represent the views of a range of people. We would be grateful if you could supply the following general information in order to ensure that we have reached a range of people in various social and demographic groups.

1 So that we know we have surveys from people in a range of age groups:
   • please advise your age ______

2 So that we know that both male and female views are represented:
   • please advise whether you are male or female __________

3 To ensure that we have the views of people in a range of economic circumstances:
   • please tick to indicate whether your annual family income is:
     □ less than $25,000
     □ more than $25,000 but less than $50,000
     □ more than $50,000 but less than $75,000
     □ more than $75,000 but less than $100,000
     □ more than $100,000

4 To ensure that we have the views of people with a range of education backgrounds:
   • please tick to indicate every one of these boxes that describes you:
     □ completed primary school
     □ completed high school
     □ completed TAFE and/or trade qualification
     □ completed university degree

Once again, thank you very much for helping us with this project.
Appendix C

Public Perceptions of Punishment for Young Offenders
Participant Information Letter

Dear Participant,

We are completing our Post Graduate Diploma in Psychology (Lisa Siu and Krystel Kallenberg) and Honours in Psychology (Penny Hyde) at Edith Cowan University. The aim of the current study is to explore public perceptions regarding punishment for young offenders. This research project is being undertaken as part of one course requirement. This study has been approved by the Faculty of Computing, Health and Science Ethics Committee.

You have been invited to participate in this study because you are a Western Australian over 18 years of age. Your participation in the study is strictly voluntary and you are free to withdraw your consent at any time before submitting your questionnaire. To ensure anonymity, please do not record your details or any other identifiable information.

By choosing to participate in the study, you will be required to read 3 brief scenarios and then answer the questions relating to those scenarios. This should take approximately 10 minutes of your time. There are no right or wrong answers to these questions and it is only your opinion that is required.

There are no potential risks associated with this study. However, you should take into account that you are being asked questions about your personal opinion. In the unlikely event that you do become distressed as a result of your participation, you may wish to contact a health care service. A few of these services and their contact numbers have been provided below.

Crisis Care: (08) 9223 1111 (counselling service)
Lifeline: (08) 131 114 (counselling service)
Family Helpline: (08) 9223 1100 (family difficulties and counselling)

If you have any questions regarding this study or require any further information, please feel free to contact us or our supervisor. If you have any concerns or complaints about the research project, please contact the independent person shown below.

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Thank you for your time and interest. It is greatly appreciated.
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