

Does the public understand and agree with criminal sentences?

Boris Johnson is not a fan of our criminal justice system. In his efforts to garner Conservative party votes he called it “**cock-eyed crook-coddling**” and committed to change the way the most serious crimes are sentenced

“When the police catch a violent criminal, it is vital they get the sentence they deserve. At present there are too many serious violent or sexual offenders who are coming out of prison long before they should. In the last five years, we have seen literally hundreds of convicted rapists who have come out of prison commit another sexual offence... This cannot go on. I am afraid that as a society we have no choice but to insist on tougher sentencing laws for serious sexual and violent offenders, and for those who carry knives”.

Whether or not Boris is personally convinced by this message, he was pressing popular buttons. Politicians know there is a strong popular belief in the power of punishment per se, and as a means of deterring people from committing crime.

The beliefs are deep-seated and pervasive.

Recent reports by the **Sentencing Council of England and Wales** and by the **Scottish Sentencing Council** support previous research suggesting that the public shares Boris’ view that sentencing is too lenient. Both organisations independently commissioned research on the public’s views on and understanding of sentencing.

In Scotland 56% of respondents thought sentencing was in general too lenient.

In England and Wales even more – 70% – thought sentences too lenient.

In both studies, respondents were asked if sentences were too lenient for particular crimes, as well as in general. It’s a pity the two organisations didn’t do a joint study since the findings are not directly comparable but in both, people were less supportive of tougher sentences if they had to apply them to particular crimes.

“In Scotland respondents were given five scenarios involving causing death by careless driving, causing death by dangerous driving, rape, historical sexual offences, and indecent images of children, and asked a number of questions including what they considered to be an appropriate sentence...

For four of the five scenarios, the most commonly suggested sentence given in each scenario was broadly in line with estimated likely sentences.

The exception to this was the possession of indecent images of children scenario, in which most respondents suggested sentences which would be more severe than the likely sentence”.

In the England and Wales research, scenarios involving eight different offences were given to respondents. When asked whether they felt that “sentences handed down for these offences were too tough or too lenient the proportion saying that sentences were too lenient was significantly higher when asked in general, than when provided with a case study illustrating sentencing for a specific case.

For example, when asked initially about sentences for rape, 76%* of the general public said that sentences are too lenient. When provided with a specific case study, this dropped to 41%”. Reaction to the sentences given for viewing indecent images and assault bucked this trend. When told the real average sentence, people still thought such sentences were much too lenient.

One response has been to call for more honesty in sentencing. So people understand it better. Every study, including these two, does indeed suggest that people don’t understand how sentences are arrived at, or what they actually mean.

“Despite the fact that a significant majority of the public said that they were confident that they understand what ‘statutory minimum sentence’ (63%*), ‘statutory maximum sentence’ (61%*), and ‘life sentence’ (77%*) mean, qualitative discussions found that understanding was far more limited in reality” (England & Wales research).

None of this suggests that the Holy Grail of penal reform lies in explaining sentencing to the public.

Instead we should try to persuade that punishment does not resolve or deter crime, and that there are more effective ways of stopping crime than warehousing people in prisons.

It’s more important for us to focus on how people get caught up in crime, than to unpick sentencing guidelines.

NB For more detail on how we could effectively change the debate away from the “tough on crime” narrative do browse our [reframing mini-site](#)