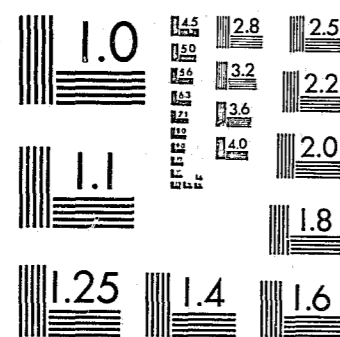


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by
Burt Galaway
(N.R.A.C. SENIOR RESEARCH FELLOW)
JULY 1983

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94184

Series No. 12
Planning and Development Division
Department of Justice
Wellington
New Zealand

Released April 1984



ISSN No. 0110-5779

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9-484

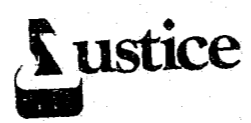
Public Acceptance of Restitution As an Alternative to Imprisonment For Property Offenders: A Survey

by

Burt Galaway
(N.R.A.C. SENIOR RESEARCH FELLOW)
JULY 1983

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Study Series No.12
Planning and Development Division
Department of Justice
Wellington
New Zealand



ISSN NO. 0110-5779

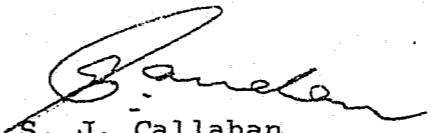
Published April 1984

PREFACE

The Report of the Penal Policy Review Committee, chaired by the Hon. Mr Justice Casey, was published in 1982. The report argued for reparation to occupy a more central place in the sentencing process. It was the Committee's view that public opinion is more likely to accept a reduction in the use of imprisonment if a corresponding move towards more effective redress for the victim can be seen.

The Department of Justice was indeed fortunate that at this time Professor Burt Galaway, a social researcher with an international reputation in evaluating victim compensation and offender restitution schemes, was interested in coming to New Zealand to undertake research on reparation. From the School of Social Development, University of Minnesota, he came to this country as a New Zealand National Research Advisory Council Senior Research Fellow from July 1982 until July 1983.

Professor Galaway's major research project was to test the Penal Policy Review Committee's hypothesis that the New Zealand public would support a decrease in the use of imprisonment for property offenders if such offenders were required to make restitution to their victims. This report presents the findings of that research and exemplifies the quality of the contribution that Professor Galaway made to the promotion of reparation as a more widely used sentencing option in New Zealand.


S. J. Callahan
Secretary for Justice

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PUBLIC ACCEPTANCE OF RESTITUTION AS AN ALTERNATIVE
TO IMPRISONMENTABSTRACT

The proposition that the public will be likely to accept a reduction in the use of imprisonment as a penalty for property offenders if these offenders are required to make restitution was tested through the use of simultaneously conducted surveys of two random samples of 1200 persons each drawn from the New Zealand electoral roles. Both the control and experimental (restitution) groups were presented with six crime incidents describing serious property crimes, were asked to indicate if imprisonment or some other penalty was appropriate for each offender, and, if some other penalty was selected, were permitted to indicate one or more penalties from descriptive statements representing fine, probation, community service sentence, and non-residential periodic detention; the restitution group was permitted to include restitution as a non-custodial penalty. Response rates of 76 percent for the control group and 80 percent for the restitution group were achieved from postal questionnaires. For all six crime incidents higher proportions of the control than restitution group recommended imprisonment; the null hypothesis was rejected at the .05 level for five of the six incidents (alpha = .094 for the null hypothesis not rejected). Differences between the restitution and control groups are found across most age groups, for both sexes, for New Zealand electors of European descent, and for electors who reported that they had not been victimised in the last year. Over sixty-five percent of the restitution group members recommending non-custodial penalties selected restitution for each offender although they were less likely to select restitution for the unemployed as compared to the employed offender. This study provides support for the view that the public will accept a reduction in the use of imprisonment for serious property offenders if there is a concomitant increase in requiring these offenders to restore their victim losses.

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PUBLIC ACCEPTANCE OF RESTITUTION AS AN ALTERNATIVE
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ABSTRACT

The proposition that the public will be likely to accept a reduction in the use of imprisonment as a penalty for property offenders if these offenders are required to make restitution was tested through the use of simultaneously conducted surveys of two random samples of 1200 persons each drawn from the New Zealand electoral roles. Both the control and experimental (restitution) groups were presented with six crime incidents describing serious property crimes, were asked to indicate if imprisonment or some other penalty was appropriate for each offender, and, if some other penalty was selected, were permitted to indicate one or more penalties from descriptive statements representing fine, probation, community service sentence, and non-residential periodic detention; the restitution group was permitted to include restitution as a non-custodial penalty. Response rates of 76 percent for the control group and 80 percent for the restitution group were achieved from postal questionnaires. For all six crime incidents higher proportions of the control than restitution group recommended imprisonment; the null hypothesis was rejected at the .05 level for five of the six incidents (alpha = .094 for the null hypothesis not rejected). Differences between the restitution and control groups are found across most age groups, for both sexes, for New Zealand electors of European descent, and for electors who reported that they had not been victimised in the last year. Over sixty-five percent of the restitution group members recommending non-custodial penalties selected restitution for each offender although they were less likely to select restitution for the unemployed as compared to the employed offender. This study provides support for the view that the public will accept a reduction in the use of imprisonment for serious property offenders if there is a concomitant increase in requiring these offenders to restore their victim losses.

PUBLIC ACCEPTANCE OF RESTITUTION AS AN
ALTERNATIVE TO IMPRISONMENT

EXECUTIVE SUMMARY

This research was undertaken to test the proposition that New Zealand electors will be more likely to accept a reduction in the use of imprisonment as a penalty for property offenders if these offenders are required to make restitution to their victims. Two independent samples of 1200 each, representative of the nation as a whole, were drawn from the electoral rolls. Citizens in both samples were presented with identical descriptions of six serious property crime incidents and were asked if they thought imprisonment or some other penalty would be appropriate for the offender; those indicating some other penalty were permitted to select one or more penalties from statements representing fine, probation, community service sentence, and non-residential periodic detention; electors in the restitution group were also given the opportunity to select restitution as a non-custodial penalty but this option was not made available to electors in the control group. Data were collected through use of postal questionnaires; response rates of 76.9 percent for the control group and 80.3 percent for the restitution group were achieved.

The six crime incident descriptions used in this research and the proportions of the control and restitution groups indicating that imprisonment was an appropriate penalty were:

Crime Incident	Control Group (n=923)	Restitution Group (n=965)	Alpha *	.99 confidence limits for differences in proportions
A. An unmarried 29 year old male accountant steals \$4,600 from his employer. He has no previous convictions. Although sacked by his employer, the man has been able to secure another position and remains employed.	(137) 14.8%	(71) 7.4%	.0001	.074 ± .037
B. An unmarried 18 year old male and two friends steel three different cars in one weekend. Two cars are recovered undamaged. While driving the third car, the youth attempts to speed away from the police and is involved in an accident resulting in \$900 damage to the car. He has four previous convictions for car conversion. He is presently unemployed.	(391) 42.4%	(309) 32.0%	.0001	.104 ± .057
C. An unmarried twenty-one year old male and a friend are given what they know to be a stolen VISA card. They use the VISA card eleven times to secure \$800 worth of meals and accommodation while travelling from Wellington to Auckland. The man has six previous convictions for forgery, passing dud checks, theft, and receiving stolen property. He is employed as a fisherman.	(460) 49.8%	(362) 37.5%	.0001	.123 ± .058
D. Over a period of two months an unmarried twenty year old male breaks into four business establishments by forcing windows and doors. The value of unrecovered property and damage to the windows and doors totals \$780. The man has six previous convictions three for burglary, two for theft, and one for wilful damage to property. He is unemployed.	(478) 51.8%	(414) 42.9%	.0001	.089 ± .059
E. An unmarried twenty year old male enters four different homes through unlocked doors and windows and takes cash and property valued at \$893. None of the stolen cash or property is recovered. The man has seven previous convictions for four burglaries and three thefts. He is employed by a freezing works.	(434) 47.0%	(314) 32.5%	.0001	.141 ± .058
F. An unmarried twenty-one year old male takes clothing and small appliances from stores on six different occasions. Total value of the unrecovered merchandise is \$710. He has two previous convictions for theft from stores and is presently unemployed.	(253) 27.4%	(231) 23.9%	.0940	.035 ± .051

*all tables 2x2; yes or no on imprisonment by group; only yes responses presented; corrected chi square used as measure of significance.

The differences between the restitution and control groups for crime incidents A through E are statistically significant at the .0001 level. Thus there is a very high probability (.9999) that these differences do not result from sampling error. The ranges (confidence limits) in which the actual differences are found (at 99 percent certainty) are indicated.

The differences between the restitution and control groups for crime incidents A through E are found across most age groups, for both sexes, for New Zealand electors of European descent, and for electors who reported that they had not been a crime victim in the previous year.

From sixty five to ninety percent of the restitution group who recommended non-custodial penalties included restitution with these penalties. Electors in the restitution group were more likely to recommend restitution for the employed rather than the unemployed offender and, when restitution was recommended, most electors recommended an amount which equalled the amount of victim loss even for crime incidents with more than one offender. Electors in the restitution group were less likely to select the fine as an appropriate penalty than electors in the control group; very similar proportions of electors in both the control and restitution groups selected the other non-custodial penalties.

This research provides support for the proposition advanced by the Penal Policy Review Committee that New Zealand citizens will be likely to accept a reduction in the use of imprisonment if offenders are required to make restitution. This study was limited to property offenders. The research indicates that New Zealand citizens will be supportive of public policies designed to reduce the use of imprisonment for serious property offenders if there is a concomitant increase in requiring these offenders to restore victim losses.

PUBLIC ACCEPTANCE OF RESTITUTION AS AN ALTERNATIVE TO IMPRISONMENT

There has been substantial growth in programmes designed to impose and enforce an explicit restitution requirement on offenders since the establishment of the Minnesota Restitution Centre in 1972.¹ The idea that an offender should be required to repay his or her victim as a part of the penalty for offending has been piloted in a number of restitution projects in both the American juvenile and adult systems.² Considerable interest in the concept has been generated in Canada³, Britain⁴, Australia⁵, and New Zealand⁶. While the concept of requiring offenders to redress the damage done has an inherent appeal to justice and fairness, the concept has also received wide support from persons seeking alternatives to the use of imprisonment as a penalty for crime⁷. McDonald, after a detailed study of the cost of corrections in New York state, recommended restitution as one of several less costly alternatives to be used instead of imprisonment.⁸ The New Zealand Penal Policy Review Committee suggested "... public opinion is more likely to accept a reduction in the use of imprisonment if a corresponding move towards more effective redress for the victim can be seen."⁹

The research to date indicates considerable support for the concept of restitution. Gandy found "... over whelming support for the concept of creative restitution" among members of a women's club in Colorado.¹⁰ Gandy and Galaway found that restitution was perceived as a viable sanction for burglary, embezzlement, destruction of property, and shoplifting among citizens of Columbia, South Carolina.¹¹ Cannady reports eighty percent of a sample of citizens in Charleston, South Carolina, favourable to restitution as a sentence for juvenile offenders.¹² Surveys of criminal justice officials in the United States¹³ and New Zealand¹⁴ indicate support for restitution. Hudson, Chesney, and McLagan found over eighty percent of samples of United States state corrections administrators and of state legislators favoured the use of restitution with either juvenile or adult offenders.¹⁵ Surveys of both offenders and crime victims have found these groups also supportive of restitution. Novack, Galaway and Hudson's survey of offenders and victims who had participated in several American restitution projects found that sixty-one percent of the offenders and sixty percent of the victims considered restitution requirements fair.¹⁶ Sloper found seventy-one percent of New Zealand prison inmates surveyed agreed with a statement of where there is a victim, the offender should have to make good any damage done.¹⁷ Vennard found support for restitution among crime victims in Britain,¹⁸ Hinrichs among victims of juvenile offenders in Pennsylvania,¹⁹ and Chesney among crime victims in Minnesota.²⁰ Both Vennard and Hinrichs conclude that restitution will lead to greater victim satisfaction with the justice system. Henderson and Gitchoff in a qualitative study of crime victims found that, "as to property victims, most victims appear willing to have the property restored, rather than wreak vengeance on the offender."²¹

Gandy's study indicated support for restitution as an alternative to prison for property offenders²² and Shaw's survey of the British population explicitly addressed this issue.²³ Persons interviewed were given ten proposed measures for reducing the prison population and for each measure were asked "Can you tell me whether you personally think it is a good or bad idea?" Sixty-six percent of the respondents reported that restitution was a good idea for reducing the prison population; the only choice to secure a higher proportion of support was requiring offenders to perform community service instead of going to prison.

While restitution can be defended and may be acceptable independent of any presumed impact on prison populations, further advantages will accrue if an increase in restitution will result in public acceptance of a reduced use of imprisonment. This is most likely to occur in relation to property offenders who are perceived as less serious than persons who have committed acts of violence and for whom setting restitution amounts will be easier. This research was designed to test the proposition advanced by the Penal Policy Review Committee in regards to property offenders only. The hypothesis to be tested is that New Zealand electors who have the opportunity to recommend restitution either alone or in combination with other non-custodial penalties will be less likely to recommend imprisonment for property offenders than electors who do not have the option of including restitution as a non-custodial penalty.

METHODOLOGY

Past research regarding public opinion of appropriate punishments for offenders has typically presented respondents with an offence or a description of an offence situation and requested respondents to select an appropriate penalty from a list. This has the problem of not permitting respondents to combine penalties which frequently happens and which will most likely occur if restitution is considered an alternative to imprisonment; no one is seriously arguing that restitution alone would be a sufficient penalty for persons who might otherwise go to prison but, rather, that restitution should be added to probation or some other non-custodial penalty. Research by Chesney in Minnesota²⁴ and Gandy in South Carolina²⁵ suggests, however, that if respondents are given unlimited ability to combine penalties a large number will combine restitution with a sentence of incarceration. While this combination may be both legal and conceptually possible, for the vast majority of offenders a sentence of incarceration nullifies the likelihood that any other punishment will be enforceable. The practical policy issue is to select between a sentence of incarceration or some combination of non-custodial punishments. Thus a measure of public opinion must be constructed to reflect a two-stage decision making process, a sentence to incarceration or not and if not, which single or combination of non-custodial sentences should be used?

Sentencing is seldom based on a single factor and legal terms such as burglary and conversion may not have precise meanings for the general public, thus respondents in the study groups were presented with a brief narrative statement regarding the nature of the offence and asked to indicate their view of the appropriate sentence based on the narrative description. Respondents were asked to indicate whether they favoured a prison sentence for this offender or some other sentence; if some non-custodial sentence was chosen they were given the opportunity to choose one or more punishments from a list of descriptive statements representing probation, fine, community service, and non-residential periodic detention. Respondents in the experimental group had a form of the questionnaire which included a descriptive statement representing restitution among the non-custodial items.

Sixteen property crime incident descriptions were generated from a review of files of property offenders sentenced to New Zealand prisons. The incident descriptions are composites; none represents an actual offender but they are typical of property offenders sentenced to New Zealand prisons. For each description the variables of sex and marital status were held constant (male, unmarried) and age was varied within a narrow range from 17 to 29 to reflect the typical offender. Because of the possible confounding effect of ethnic origin (race) and because this variable was not central to the hypothesis to be tested, no reference was made to ethnic origin in the descriptions. The sixteen descriptions varied in regards to the variables of type of property crime, number of concurrent charges, number of previous convictions, employment status of the offender, victim (individual, business or government body), and the amount of damage done. The questionnaire was pretested with eight persons and then revised.

After the pretest, a pilot study was conducted of 184 persons whose names were randomly selected from the electoral rolls; two names were selected from each of the 92 rolls. One hundred and forty-six usable responses were received from the pilot study for a response rate of seventy-nine percent. Only the control (non-restitution) version of the questionnaire was used for the pilot; results of the pilot study as well as the descriptions for the sixteen crime incidents are presented as table 1.

The pilot study was conducted to test procedures and to select crime incidents for use in the main study. Since the research is testing the proposition that restitution will decrease public demand for imprisonment, crime incidents with moderate public support for imprisonment were required. Incidents for which there was little support for imprisonment would not be useful because support for imprisonment would already be low and unlikely to be reduced. Conversely, incidents for which there was strong support for imprisonment would also be inappropriate because these views may be so entrenched that a single element, such as restitution, would be unlikely to alter views. Items were sought for the final study in which between forty and seventy percent of the respondents from the pilot study recommended imprisonment

TABLE 1: PILOT SURVEY RESPONDENTS RECOMMENDING IMPRISONMENT (NON-RESTITUTION FORM OF QUESTIONNAIRE)

	Percent *		Percent *
1. An unmarried seventeen year old male and two friends enter a construction site at night and cause \$3,900 damage to equipment. The youth has one previous conviction for car conversion. He is unemployed.	17.2	9. An unmarried eighteen year old male forces a lock and enters a house at night. He removes a television set. The value of the television set and cost of repairing the lock is \$650. The man has no previous convictions and is unemployed.	6.3
2. Over a period of four months, an unmarried twenty year old male and three friends steal sixteen cars. All the cars are recovered although electrical and mechanical parts valued at \$4,400 have been removed from the cars. He has no previous convictions.	29.6	10. On three different occasions, an unmarried 19 year old steals copper wire and other equipment from a Post Office storage depot. Total value of the loss is \$560 none of which is recovered. He has three previous convictions for theft. He is employed as a gardener.	26.8
3. Over a period of four months an unmarried eighteen year old male, along with a friend, breaks into eleven shops and businesses. The value of unrecovered stolen property and damages to the business establishments totals \$4,200. The man is employed as a painter. He has no previous convictions.	22.7	11. A twenty year old unmarried male enters a butcher's shop by smashing a window and steals meat. The meat was not recovered; damage to the shop and the loss of meat is worth \$364. The offender has five previous convictions for burglary, vandalism, car conversion and theft. He is unemployed.	55.2
4. An unmarried seventeen year old takes a car without the owner's permission. While driving he has an accident causing \$455 damage to the car. He has two previous convictions for car conversion. He is employed as a scrub cutter.	17.6	** 12. An unmarried twenty-one year old male and a friend are given what they know to be a stolen VISA card. They use the VISA card eleven times to secure \$800 worth of meals and accommodation while travelling from Wellington to Auckland. The man has six previous convictions for forgery, passing dud checks, theft, and receiving stolen property. He is employed as a fisherman.	58.5
5. Over two months an unmarried seventeen year old male and two friends take three different cars from a public service lot. Two of the cars are recovered undamaged but the third has damages of \$900. He has no previous convictions and is unemployed.	5.6	** 13. Over a period of two months an unmarried twenty year old male breaks into four business establishments by forcing windows and doors. The value of unrecovered property and damage to the windows and doors totals \$780. The man has six previous convictions three for burglary, two for theft, and one for wilful damage to property. He is unemployed.	63.6
6. An unmarried 29 year old male accountant steals \$4,600 from his employer. He has no previous convictions. Although sacked by his employer, the man has been able to secure another position and remains employed.	32.9	** 14. An unmarried twenty year old male enters four different homes through unlocked doors and windows and takes cash and property valued at \$893. None of the stolen cash or property is recovered. The man has seven previous convictions for four burglaries and three thefts. He is employed by a freezing works.	58.7
7. An unmarried 18 year old male and two friends steal three different cars in one weekend. Two cars are recovered undamaged. While driving the third car, the youth attempts to speed away from the police and is involved in an accident resulting in \$900 damage to the car. He has four previous convictions for car conversion. He is presently unemployed.	53.5	** 15. A twenty year old unmarried male and a friend break into a house and steal clothing and food. The goods have not been recovered and, along with damage to the house, are worth \$120. The offender has three previous convictions for theft, vandalism and car conversion. He is employed as a factory worker.	29.6
8. An unmarried 17 year old youth along with a friend breaks windows and does other damage to three school buildings. Cost for repair to the school buildings is \$2,400. The youth has two previous convictions, one for wilful damage to property and one for theft. He is employed as a cook's helper.	20.8	** 16. An unmarried twenty-one year old male takes clothing and small appliances from stores on six different occasions. Total value of the unrecovered merchandise is \$710. He has two previous convictions for theft from stores and is presently unemployed.	31.9

* 146 Usable responses from a mailing of 184; response rate of 79.3
 ** Items selected for use in main survey

without the presence of the restitution option. Two of the items selected for the final questionnaire fell below this standard but were selected to give further variety in the final questionnaire on the dimensions of employment status of the offender and type of property crime.

The population was all New Zealand citizens registered on the 1982 printed electoral roll which is available in most public libraries. Two random samples of 1200 each were drawn so that subjects were represented in each sample in the same proportion as the numbers of electors on each electoral roll was to the total number of registered electors. Using persons registered on the electoral rolls as the population for a survey may introduce certain biases in as much as not all persons will be registered electors; this, however, is a comparatively minor issue in New Zealand in as much as registering on the electoral rolls is a legal requirement and nearly ninety-seven percent of the eligible population is registered. The 1981 New Zealand Census shows a usual resident population (this excludes temporary residents and New Zealanders domiciled overseas) eighteen years and older of 2,115,252; as of July 1983 the Post Office, which manages the electoral records, reported 2,048,622 persons registered. Further, sampling from registered voters who are in the best position to meaningfully influence public policy is appropriate for a study of public views on a public policy issue.

One sample was presented with the restitution version of the questionnaire and the second sample with the control version. A randomly selected half of each sample received the non-custodial options in inverted form. Data collection procedures involved three mailings to all respondents and a follow-up mailing to those who did not return the questionnaire within two weeks. The initial mailing was a letter from an official of the Justice Department introducing the researcher and indicating that a questionnaire would be arriving. Two days after this letter the questionnaire was mailed with a cover letter from the researcher. Two days later a reminder card was mailed to all respondents and, two weeks after the mailing of the questionnaire, a second questionnaire was mailed to those persons who had not responded. Confidentiality was assured although the respondents were told that a code number appeared on the mailing envelope to permit follow-up of persons who did not return the questionnaire. Names or identifying data were not requested on the questionnaire. After mailing the follow-up questionnaires the code numbers were carefully checked to be sure no duplicates were received. The data collection procedures produced a usable response rate of seventy-seven percent (923) for the control group and eighty percent (965) for the experimental group.

FINDINGS

Data were analysed using the corrected chi square as the measure of significance with alpha set at .05 for rejecting the null hypothesis. Data were collected on age, ethnic origin, sex, and if the elector had been the victim of a crime in the last year. Table 2 presents frequency distributions for both the control and

restitution groups on these variables, as well as the distribution of the usual resident population (excludes temporary residents and New Zealanders living overseas) from the 1981 New Zealand Census.²⁶ Age, sex, and ethnicity frequency distributions of persons registered on the electoral rolls are not available. An examination of this table suggests that the two groups are equivalent on these key variables; comparisons to the census distribution suggests that younger persons and minorities may be slightly under represented in both control and restitution groups.

TABLE 2: AGE, ETHNIC ORIGIN, SEX AND PRIOR VICTIMIZATION OF RESPONDENTS BY GROUP

AGE	Control Group		Restitution Group		1981 Census
18 - 29	(194)	21.2%	(207)	21.7%	29.9%
30 - 39	(217)	23.8%	(213)	22.3%	20.3%
40 - 49	(170)	18.6%	(161)	16.9%	15.0%
50 - 59	(135)	14.9%	(171)	17.9%	14.2%
60+	(197)	21.6%	(203)	21.3%	20.6%
Total	(913)*	100%	(955)*	100%	100%
ETHNIC ORIGIN					
European	(792)	90.5%	(821)	90.4%	85.8%
All Others	(83)	9.5%	(87)	9.6%	14.2%
Total	(875)*	100%	(908)*	100%	100%
SEX					
Female	(516)	56.3%	(499)	52.2%	50.3%
Male	(400)	43.7%	(457)	47.8%	49.7%
Total	(916)*	100%	(956)*	100%	100%
CRIME VICTIM IN LAST YEAR?					
Yes	(121)	13.5%	(124)	14.2%	
No	(773)	86.5%	(747)	85.8%	
Total	(894)*	100%	(871)*	100%	

* Totals do not equal 923 for control group and 965 for restitution group because of missing data.

Table 3 shows the proportion of control and restitution groups recommending imprisonment for each of the six crime incidents, the probability of sampling error (alpha), and the .99 confidence limits for differences in proportions (control group minus the restitution group). For each of the six incidents a higher proportion of the control than the restitution group recommends imprisonment; the level of significance of the difference exceeds an alpha of .05 for five of the six incidents and, thus, the null hypotheses are rejected for these five incidents. The level of significance for the sixth crime incident (F) has an alpha .094. This incident was one for which the pilot indicated low sentiment for imprisonment; apparently the addition of restitution as a possible non custodial penalty is not sufficient to reduce the already low support for prison for this offender.

The five crime incidents for which the hypotheses of no differences between the control and restitution groups can be rejected (and by inference the presence of a differences accepted) were examined controlling for age, sex, ethnic origin, and prior crime victimisation (within the past year) of the respondents. Controlling for sex or age (tables 4 and 5) does not effect the initial relationship. Both men and women in the restitution group are significantly less likely to recommend imprisonment than men and women in the control group across all five crime incidents. This is also generally true for age (table 5). All respondents were collapsed into five age categories; for all age categories, the restitution groups were less likely to recommend imprisonment than persons in the control groups; for nine of the 25 contingency tables, however, the differences noted between the restitution and control groups did not achieve the .05 level of significance adopted for this study. These non significant differences did not cluster at any age category.

TABLE 3: RESPONDENTS SELECTING IMPRISONMENT BY GROUP

Crime Incident	Control Group (n=923)	Restitution Group (n=965)	Alpha *	.99 confidence limits for differences in proportions
A. An unmarried 29 year old male accountant steals \$4,600 from his employer. He has no previous convictions. Although sacked by his employer, the man has been able to secure another position and remains employed.	(137) 14.8%	(71) 7.4%	.0001	.074 ± .037
B. An unmarried 18 year old male and two friends steal three different cars in one weekend. Two cars are recovered undamaged. While driving the third car, the youth attempts to speed away from the police and is involved in an accident resulting in \$900 damage to the car. He has four previous convictions for car conversion. He is presently unemployed.	(391) 42.4%	(309) 32.0%	.0001	.104 ± .057
C. An unmarried twenty-one year old male and a friend are given what they know to be a stolen VISA card. They use the VISA card eleven times to secure \$800 worth of meals and accommodation while travelling from Wellington to Auckland. The man has six previous convictions for forgery, passing dud checks, theft, and receiving stolen property. He is employed as a fisherman.	(460) 49.8%	(362) 37.5%	.0001	.123 ± .058
D. Over a period of two months an unmarried twenty year old male breaks into four business establishments by forcing windows and doors. The value of unrecovered property and damage to the windows and doors totals \$780. The man has six previous convictions three for burglary, two for theft, and one for willful damage to property. He is unemployed.	(478) 51.8%	(414) 42.9%	.0001	.089 ± .059
E. An unmarried twenty year old male enters four different homes through unlocked doors and windows and takes cash and property valued at \$893. None of the stolen cash or property is recovered. The man has seven previous convictions for four burglaries and three thefts. He is employed by a freezing works.	(434) 47.0%	(314) 32.5%	.0001	.141 ± .058
F. An unmarried twenty-one year old male takes clothing and small appliances from stores on six different occasions. Total value of the unrecovered merchandise is \$710. He has two previous convictions for theft from stores and is presently unemployed.	(253) 27.4%	(231) 23.9%	.0940	.035 ± .051

*all tables 2x2; yes or no on imprisonment by group; only yes responses presented; corrected chi square used as measure of significance.

TABLE 4: PERCENT SELECTING IMPRISONMENT BY GROUP
CONTROLLING FOR SEX OF RESPONDENTS

	<u>Control</u> <u>Group *</u>		<u>Restitution</u> <u>Group *</u>		<u>Alpha *</u>
CRIME A					
Female	(76)	14.7%	(29)	5.8%	.0001
Male	(58)	14.5%	(42)	9.2%	.0210
CRIME B					
Female	(208)	40.3%	(161)	32.3%	.0094
Male	(179)	44.8%	(146)	31.9%	.0002
CRIME C					
Female	(245)	47.5%	(186)	37.3%	.0013
Male	(212)	53.0%	(173)	37.9%	.0000
CRIME D					
Female	(262)	50.8%	(207)	41.5%	.0037
Male	(212)	53.0%	(203)	44.4%	.0147
CRIME E					
Female	(234)	45.3%	(156)	31.3%	.0000
Male	(196)	49.0%	(153)	33.5%	.0000

* Only imprison (yes) responses presented; all tables were 2x2; corrected chi square used as measure of significance. Data on sex is missing from seven control and nine restitution group respondents.

TABLE 5: PERCENT SELECTING IMPRISONMENT BY GROUP
CONTROLLING FOR AGE OF RESPONDENTS

	<u>Control</u> <u>Group *</u>		<u>Restitution</u> <u>Group *</u>		<u>Alpha *</u>
CRIME A					
18 - 29	(33)	17.0%	(13)	6.3%	.0013
30 - 39	(28)	12.9%	(19)	8.9%	.2424
40 - 49	(27)	15.9%	(9)	5.6%	.0047
50 - 59	(17)	12.6%	(5)	2.9%	.0025
60+	(31)	15.7%	(24)	11.8%	.3217
CRIME B					
18 - 29	(100)	51.5%	(84)	40.6%	.0355
30 - 39	(91)	41.9%	(72)	33.8%	.1013
40 - 49	(65)	38.2%	(44)	27.3%	.0462
50 - 59	(51)	37.8%	(44)	25.7%	.0326
60+	(80)	40.6%	(62)	30.5%	.0456
CRIME C					
18 - 29	(112)	57.7%	(99)	45.8%	.0594
30 - 39	(113)	52.1%	(84)	39.4%	.0113
40 - 49	(83)	48.8%	(41)	25.5%	.0001
50 - 59	(59)	43.7%	(58)	33.9%	.1030
60+	(90)	45.7%	(76)	37.4%	.1159
CRIME D					
18 - 29	(112)	57.7%	(99)	47.8%	.0594
30 - 39	(112)	51.6%	(92)	43.2%	.0986
40 - 49	(83)	48.8%	(51)	31.7%	.0022
50 - 59	(61)	45.2%	(72)	42.1%	.6719
60+	(107)	54.3%	(95)	46.8%	.1605
CRIME E					
18 - 29	(105)	54.1%	(82)	39.6%	.0049
30 - 39	(103)	47.5%	(76)	35.7%	.0173
40 - 49	(78)	45.9%	(35)	21.7%	.0001
50 - 59	(56)	41.5%	(48)	28.1%	.0194
60+	(90)	45.7%	(68)	33.5%	.0168

* Only imprison (yes) responses presented; all tables were 2x2; corrected chi square used as measure of significance. Data on age is missing from ten control and ten restitution group respondents.

The ethnic origin variable was collapsed to those of European origin and all others because of the small number of Maori and Pacific Islanders in the restitution and control groups. There may be ethnic difference in willingness to accept restitution as an alternative to prison for property offenders. Across all five crime incidents, Europeans in the restitution group were significantly less likely to recommend imprisonment than Europeans in the control group. Smaller proportions of minority populations in the restitution group recommended imprisonment than in the control group but none of the differences achieved the .05 level of significance for any of the crime incidents.

TABLE 6: PERCENT SELECTING IMPRISONMENT BY GROUP CONTROLLING FOR ETHNIC ORIGIN OF RESPONDENTS

	<u>Control Group *</u>		<u>Restitution Group *</u>		<u>Alpha *</u>
CRIME A					
European	(177)	14.8%	(58)	7.1%	.0001
Other	(16)	19.3%	(9)	10.3%	.1535
CRIME B					
European	(336)	42.4%	(262)	31.9%	.0001
Other	(34)	41.0%	(33)	37.9%	.8045
CRIME C					
European	(401)	50.6%	(306)	37.3%	.0001
Other	(36)	43.4%	(35)	40.2%	.7950
CRIME D					
European	(411)	51.9%	(354)	43.1%	.0005
Other	(41)	49.4%	(31)	35.6%	.0968
CRIME E					
European	(377)	47.6%	(267)	32.5%	.0001
Other	(35)	42.2%	(29)	33.3%	.3029

* Only imprison (yes) responses presented; all tables were 2x2; corrected chi square used as measure of significance. Data on ethnic origin missing from 48 control and 57 restitution group respondents.

A similar finding occurred in regards to crime victimisation (table 7). Across all five crime incidents non victims in the restitution group were significantly less likely to recommend imprisonment than non victims in control group. Victims in the restitution group were also less likely to recommend imprisonment but for only one of the crime incidents (C) did the difference between restitution and control group victim achieved an alpha .05.

TABLE 7: PERCENT SELECTING IMPRISONMENT BY GROUP CONTROLLING FOR PRIOR VICTIMISATION OF RESPONDENTS

	<u>Control Group</u>		<u>Restitution Group</u>		<u>Alpha *</u>
CRIME A					
Victim	(16)	13.2%	(7)	5.6%	.0696
Not Victim	(47)	15.1%	(63)	7.8%	.0001
CRIME B					
Victim	(48)	39.7%	(46)	37.1%	.7775
Not Victim	(328)	42.4%	(256)	31.6%	.0001
CRIME C					
Victim	(60)	49.6%	(44)	35.5%	.0354
Not Victim	(386)	49.9%	(309)	38.1%	.0001
CRIME D					
Victim	(57)	47.1%	(53)	42.7%	.5766
Not Victim	(403)	52.1%	(352)	43.5%	.0007
CRIME E					
Victim	(58)	47.9%	(47)	37.9%	.1451
Not Victim	(360)	46.6%	(259)	32.0%	.0001

* Only imprison (yes) responses presented; all tables were 2x2; corrected chi square used as measure of significance. Data on prior victimisation missing from 29 control and 94 restitution group respondents.

What non custodial penalties were selected by respondents who did not select imprisonment? This information is summarised in table 8. Since respondents were permitted to select more than one non-custodial penalty, the information in table 8 is the percentage of the persons in the restitution and the control groups not selecting imprisonment who selected each of the non-custodial penalties. The proportion of the restitution group selecting restitution as a penalty ranges from 65 percent for crime F to 90 percent for crime A. Restitution, of course, was not an option available to the control group and, while the questionnaires did not provide for comments, twenty-two percent (200) of the members of the control group who returned questionnaires wrote comments on the questionnaires either indicating that they would like to have had restitution as a choice or they would impose restitution in addition to other suggested penalties. Table 8 does not suggest differences in the selection of non-custodial penalties by members of the control compared to the restitution group except for the fine. Higher proportions of the control group consistently recommended a fine which suggests that members of the restitution group would shift monetary payments from the state to victims.

TABLE 8 : NON CUSTODIAL PENALTIES SELECTED BY RESPONDENTS IN CONTROL AND RESTITUTION GROUPS WHO DID NOT SELECT PRISON*

	Restitution	Fine	Probation Service	Community Detention	Periodic
CRIME A					
Control (n = 786)	N/A	42.6%	33.6%	29.9%	52.5%
Restitution (n = 894)	90.4%	23.5%	29.3%	19.1%	47.1%
CRIME B					
Control (n = 572)	N/A	25.6%	61.3%	30.6%	62.0%
Restitution (n = 656)	72.0%	16.8%	57.8%	24.4%	55.3%
CRIME C					
Control (n = 463)	N/A	52.9%	49.2%	25.9%	52.5%
Restitution (n = 603)	81.8%	31.2%	49.9%	21.9%	45.4%
CRIME D					
Control (n = 445)	N/A	22.9%	59.6%	39.1%	55.1%
Restitution (n = 551)	67.9%	18.1%	58.6%	31.0%	55.2%
CRIME E					
Control (n = 489)	N/A	54.4%	49.5%	21.3%	58.7%
Restitution (n = 651)	85.0%	30.4%	51.0%	17.7%	56.8%
CRIME F					
Control (n = 670)	N/A	24.5%	60.0%	36.7%	55.7%
Restitution (n = 734)	65.5%	18.1%	62.4%	31.1%	54.2%

* Respondents were permitted to select more than one non custodial penalty. Thus the percent are the proportion of the subset of each groups which did not select prison which selected each non custodial penalty.

Table 9 shows the proportion of the restitution group recommending restitution, the amounts of restitution recommended by selected characteristics of the crime incident (employed status of the offender, total loss to victims, number of offenders, and loss to victims per offender). Medians and modal categories (over 75 percent of the people recommending restitution recommended the same amount for all crime incidents) are being presented as indicators of the restitution amounts suggested rather than the mean because the means have been elevated by unusually high restitution suggestions; for all six crime incidents the means exceed medians and modes and exceed the amount indicated in questionnaires as victim loss. Respondents in the restitution group are somewhat more likely to recommend restitution for the employed rather than unemployed offender although there is very strong sentiment for restitution even for the unemployed offender; 65 percent of the respondents recommended restitution for crime F, the lowest proportion recommending restitution. Examination of the median and modal amounts of restitution recommended indicates that the respondents want offenders to fully recompense victims even for the two crime incidents for which multiple offenders were identified.

TABLE 9 : PERCENT OF RESTITUTION GROUP RESPONDENTS SELECTING NON CUSTODIAL SENTENCES WHO SELECT RESTITUTION AND AMOUNT OF RESTITUTION SELECTED BY SELECTED CHARACTERISTICS OF THE CRIMES INCIDENT

CRIME	Is Offender Employed?	Total Victim Loss	Victim Number of Offenders	Victim loss per offender	Percent Respondents	Restitution Amount Suggested	
						Medium	Mode
A	Yes	\$4,600	1	\$4,600	90.4	\$4,600	4,600 (85.5%)*
B	No	\$900	3	\$300	72.0	\$901	900 (76.2%)*
C	Yes	\$800	2	\$400	81.8	\$800	800 (81.4%)*
D	No	\$780	1	\$780	67.9	\$781	780 (77.1%)*
E	Yes	\$893	1	\$893	85.0	\$893	893 (76.7%)*
F	No	\$710	1	\$710	65.5	\$710	710 (78.0%)*

* Percent of respondents selecting restitution who indicate this amount.

SUMMARY AND CONCLUSIONS

This research supports the view advanced by the Penal Policy Review Committee that the New Zealand public will be more accepting of a reduction in the use of imprisonment, for property offenders, if this is coupled with restitution to crime victims. The crime incidents used in this study involved serious property offenders whose offences resulted in substantial loss, who had committed several property crimes, or who have substantial prior criminal histories. A pilot study had shown considerable sentiment for the use of imprisonment for these offenders. For five of the six property incidents, an independent random sample of New Zealand electors who were permitted to recommend restitution was significantly less likely to recommend imprisonment than an equivalent independent random sample which did not have the option of recommending restitution. For the sixth incident the restitution group was less likely to recommend imprisonment but the difference between the groups did not achieve the .05 level of significance set for this study. There was already low sentiment for the imprisonment of this particular offender and the possibility of restitution did not significantly reduce the proportion of persons recommending prison for this offender.

The association between restitution and a reduction in imprisonment was examined by controlling for age, sex, ethnic origin, and prior victimisation of respondents. The association holds across most age groups, for both sexes, for respondents of European descent, and for respondents who report that they were not victimised in the last year. Respondents of Maori and Polynesian descent as well as those who report having been victimised in the last year in the restitution group were less likely than respondents in the control group to recommend imprisonment but these differences did not achieve the .05 level of significance.

Members of the restitution group who select non-custodial penalties tend to include restitution as a penalty; across the crime incidents the proportion of these respondents who recommended restitution ranged from 65 to 90 percent. These respondents are somewhat more likely to select restitution for the employed than for the unemployed offender. Restitution amounts are requested for the offender to fully recompense victims even for crimes with multiple offenders.

The study indicates that New Zealand electors would support a decrease in the use of imprisonment for serious property offenders if property offenders are required to make restitution to their victims.

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APPENDICES

1. Design
2. Electoral rolls with proportion of sample to be selected from each roll
3. Sampling notes
4. Specifications for table of random numbers
5. Sample identification number codes
6. Plan for distribution of materials
7. Dimension including in Pilot Study questions
8. Pilot Study version of questionnaires
9. Letter of introduction, cover letter, follow up card, and follow up letter
10. Report of the Pilot Study
11. Questionnaires
12. Return Rates
13. Code book
14. Coding form

RESTITUTION STUDY SURVEY

Burt Galaway
30 November 1982

The Penal Policy Review Committee accepted a frequently expressed view that "... public opinion is more likely to accept a reduction in the use of imprisonment if a corresponding move towards more effective redress for the victim can be seen" (para 354). This proposition has commonsense appeal but has not been tested. This research is designed to test the hypothesis that a randomly selected group of New Zealand electors who have the opportunity to select restitution as a punishment for specified property offenses will be less likely to select imprisonment than a randomly selected group of New Zealand electors who do not have the option of selecting restitution as a punishment.

Measures. Past research regarding public opinion of appropriate punishments for offenders has typically presented respondents with an offence or a description of an offence situation and requested respondents to select an appropriate penalty from a supplied list. This has the problem of not permitting respondents to combine penalties which, of course, frequently happens and which will most likely occur if restitution is to be perceived as providing an alternative to imprisonment; no one is seriously arguing that restitution alone would be a sufficient penalty for persons who might otherwise go to prison but, rather, that restitution should be added to probation or some other non-custodial penalty. Research by Chesney in Minnesota and Gandy in South Carolina suggests, however, that if respondents are given unlimited ability to combine penalties a large number will combine restitution with a sentence of incarceration. While this combination may be both legally and conceptually possible, for the vast majority of offenders a sentence of incarceration nullifies the likelihood that any other punishment will be enforceable. The practical policy issue is to select between a sentence of incarceration or some combination of non-custodial punishments. Thus a measure of public opinion must be constructed to reflect a two-stage decision making process -- to sentence to incarceration or not and if not, what single or combination of non-custodial sanctions should be used?

Since sentencing is seldom based on a single factor and since legal terms such as burglary and conversion may not have precise meanings for the general public, respondents will be presented with a brief narrative statement regarding the nature of the offence and asked to indicate their view of the appropriate sentence based on the narrative description. Respondents will be asked to indicate if they favour a prison sentence for this offender or some other sentence; if the latter is chosen they will be given the opportunity to choose one or more other punishments from a list of descriptive statements representing probation, fine, community service and non-residential periodic detention. The respondents in the experimental group will have a form of the questionnaire which includes among the list of non-custodial sanctions a descriptive statement representing restitution.

Questionnaire development will involve these steps:

1. Drafting brief narratives for a variety of property offences.
2. Pretesting the questionnaire with several citizens who have no connection with the criminal justice system.
3. Piloting the questionnaire on a sample of 150 people.

The piloting is particularly important. Since the purpose of this exercise is to determine if restitution to victims will have any impact on public acceptance of non-custodial penalties for property offenders, the final offence narratives must describe situations in which a sizable number of respondents perceive imprisonment as the appropriate penalty. If none or very few of the respondents in the control sample perceive imprisonment as appropriate, obviously this cannot be reduced.

Sampling and Data Collection. Two independent samples of 1200 each will be drawn from the electoral list and the final questionnaire mailed to members of each sample with a brief cover letter explaining the importance of the research. A letter will be posted to respondents two days prior to mailing the questionnaire to alert them to the research and to expect the questionnaire. A pre-addressed stamped envelope will be provided for return of the questionnaire. A reminder card will be mailed two days later and a second questionnaire mailed to respondents who have not returned the questionnaire within one week.

While return rates for mail questionnaire are notoriously low, the use of mail questionnaires is this research is appropriate on two grounds. This is an initial effort to explore the question; until the results of an initial effort are known, resources necessary for personal interviewing should not be used. Second, the issue of sample attrition is a concern primarily when estimating population parameters from findings of a sample. For this research the primary aim is comparing findings from two samples -- one with the restitution (experimental) condition and one without. Thus the samples must be from the same population, be independent, and be equivalent all of which may be assumed on the basis of the random selection; bias resulting from a low response rate should be the same for both samples and should not effect equivalence.

Analytical Procedures. The null hypothesis will be tested by comparing responses of respondents in the experimental (restitution) and control groups on the imprison or not to imprison dependent variable. As the variables are nominal and dichotomous, chi square will be used as the statistical test (alpha of .05). If the null hypothesis can be rejected, further analysis will be done controlling for age, sex, race and victimisation experience. Finally, content analysis will be undertaken of the nature of the non-custodial penalties recommended by respondents from both experimental and control samples.

NEW ZEALAND ELECTORAL ROLLS AS OF 8 OCTOBER 1981 AND QUESTIONNAIRES RETURNED

TITLE	CODE NUMBER	NUMBER OF NAMES	PERCENT OF TOTAL NAMES	NUMBER OF NAMES FOR SAMPLE OF 1200	CONTROL GROUPS	RESTITUTION GROUPS
Auckland Central	1	21,447	1.0466	13	5	9
Awarua	2	22,662	1.1059	13	9	9
Birkenhead	3	23,350	1.1395	14	12	10
Avon	4	21,972	1.0722	13	10	11
Ashburton	5	23,675	1.1553	14	14	14
Albany	6	28,114	1.3720	16	13	12
Bay of Islands	7	21,964	1.0718	13	11	11
Christchurch Central	8	19,977	.9749	12	7	11
Clutha	9	21,984	1.0728	13	13	12
Dunedin Central	10	20,563	1.0035	12	12	8
Dunedin North	11	20,901	1.0200	12	9	10
East Cape	12	21,445	1.0465	13	13	10
East Coast Bays	13	28,248	1.3785	17	16	16
Eastern Hutt	14	21,123	1.0308	12	9	7
Eastern Maori	15	16,707	0.8153	10	8	9
Eden	16	23,102	1.1273	14	7	10

Fendalton	17	22,198	1.0832	13	10	7
Gisborne	18	21,204	1.0347	12	9	10
Hauraki	19	22,460	1.0960	13	9	11
Hamilton West	20	22,467	1.0964	13	8	12
Hamilton East	21	22,518	1.0989	13	8	12
Hastings	22	22,998	1.1223	13	9	10
Hawkes Bay	23	22,314	1.0889	13	12	12
Heretaunga	24	20,468	.9988	12	9	11
Helensville	25	26,440	1.2902	15	12	12
Horowhenua	26	24,345	1.1880	14	11	11
Hunua	27	24,067	1.1745	14	10	12
Invercargill	28	22,375	1.0919	13	9	10
Island Bay	29	21,250	1.0370	12	7	10
Kaimai	30	25,186	1.2290	15	14	13
Kaipara	31	22,020	1.0746	13	9	8
Kapiti	32	23,486	1.1461	14	9	11
King Country	33	19,007	.9275	11	6	8
Lyttelton	34	24,113	1.1767	14	11	12
Manawatu	35	21,845	1.0660	13	8	10

Mangere	36	17,095	.8342	10	8	8
Manurewa	37	23,463	1.1450	14	11	9
Marlborough	38	22,648	1.0522	13	11	13
Matamata	39	19,830	.9677	12	12	11
Miramar	40	23,692	1.1562	14	10	11
Mt Albert	41	22,691	1.1073	13	7	11
Napier	42	22,758	1.1106	13	10	10
Nelson	43	22,396	1.0929	13	13	10
New Lynn	44	21,578	1.053	13	8	11
New Plymouth	45	22,917	1.1183	13	12	9
North Shore	46	24,091	1.1756	14	9	8
Northern Maori	47	16,785	0.8191	10	6	4
Oharu	48	22,489	1.0975	13	8	12
Onehunga	49	21,239	1.0365	12	9	10
Otago	50	22,101	1.0785	13	12	10
Otahuhu	51	18,906	.9226	11	6	9
Pahiatua	52	21,593	1.0537	13	9	13
Pakuranga	53	26,439	1.2902	15	13	15
Palmerston North	54	23,730	1.1580	14	8	10

Papakura	55	21,502	1.0493	13	10	10
Papanui	56	22,874	1.1162	13	11	13
Papatoetoe	57	21,219	1.0355	12	11	7
Pencarrow	58	20,265	.9889	12	11	11
Porirua	59	19,376	.9455	11	9	11
Rangiora	60	24,516	1.1964	14	12	10
Rangiriri	61	20,150	.9833	12	10	10
Rangitikei	62	22,482	1.0971	13	10	10
Remuera	63	20,563	1.0079	12	8	10
Roskill	64	23,211	1.1327	14	12	11
Rotorua	65	19,640	.9584	12	12	7
St Albans	66	23,476	1.1456	14	10	12
St Kilda	67	22,768	1.1111	13	13	10
Selwyn	68	22,278	1.0872	13	9	10
Southern Maori	69	20,750	1.0126	12	10	8
Sydenham	70	22,506	1.0983	13	10	7
Tamaki	71	24,314	1.1865	14	11	12
Taranaki	72	22,526	1.0993	13	9	12
Tarawera	73	20,736	1.0119	12	11	11

Tasman	74	21,419	1.0452	13	12	12
Taupo	75	21,427	1.0456	13	8	5
Tauranga	76	25,151	1.2274	15	12	11
Te Atatu	77	20,925	1.0211	12	6	11
Timaru	78	22,978	1.1213	13	11	12
Waikato	79	23,267	1.1354	14	12	14
Waipa	80	21,992	1.0732	13	9	12
Wairarapa	81	21,349	1.0418	13	11	11
Waitakere	82	23,833	1.1630	14	10	13
Waitaki	83	20,581	1.0043	12	8	9
Waitotara	84	22,381	1.0922	13	12	11
Wallace	85	21,612	1.0547	13	12	11
Wanganui	86	23,749	1.1589	14	8	13
Wellington Central	87	24,216	1.1817	14	9	10
West Coast	88	21,395	1.0447	13	12	12
Western Hutt	89	21,482	1.0483	13	9	10
Western Maori	90	22,123	1.0796	13	8	8
Whangarei	91	25,143	1.2270	15	12	12
Yaldhurst	92	24,480	1.1946	14	13	11
TOTALS		2,049,182	100%	1200	923	965

RESTITUTION AND IMPRISONMENT PUBLIC OPINION SURVEYSAMPLING NOTES

The population for this study will be all persons whose names are listed on the most recently published New Zealand Electoral list. Two independent, random samples of 1200 electors each are to be drawn from this population using the following procedures:

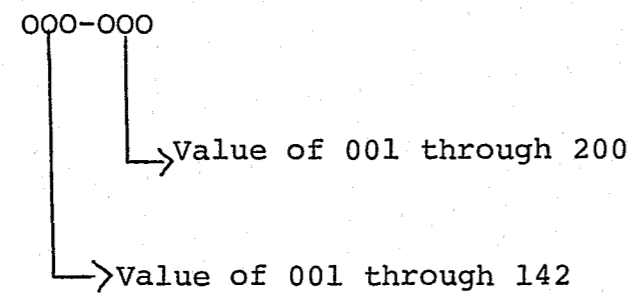
1. A part of each sample will be drawn from each electoral district. The number to be drawn from each electoral district will be the same proportion of 1200 as the number of electors in that district are to total number of electors.
2. A table of random numbers will be used to select page numbers from which names of electors from each electoral district are to be randomly selected.
3. Two hundred electors are listed on each page and are numbered 1 through 200; a table of random numbers will be used to select a specific elector from each of the randomly selected pages.

Two small independent samples of 1200 each are being drawn from a population in excess of 2m names. The probability of the same name being drawn for each sample is very remote. Should this happen, however, that name will be dropped from both samples and replacements from the same electoral district randomly selected for each sample.

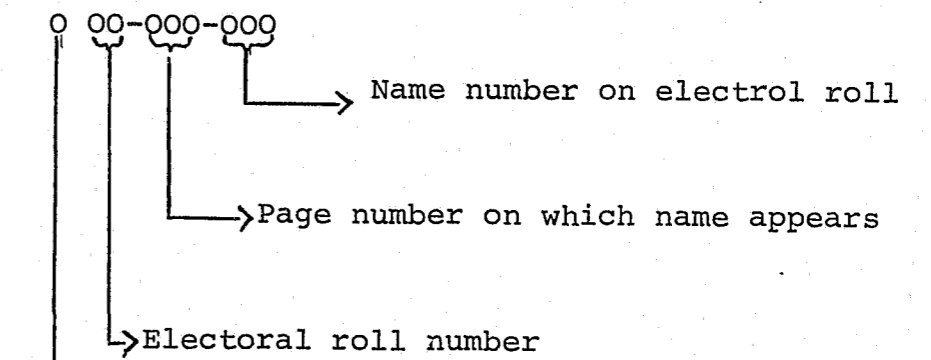
RESTITUTION SURVEY

Specification for random numbers.

3,000 paired numbers of three digets each. Each to be drawn independently of each other.

RESTITUTION SURVEY

Sample identification numbers



sample where

- 1 = pilot
- 2 = control sample
- 3 = experemental sample

RESTITUTION STUDY (SURVEY)PLAN FOR DISTRIBUTION OF MATERIALS

Materials to be distributed are:

1. Letter from G Simpson to introduce study.
To all subjects.
2. Questionnaire with cover letter from B Galaway.
To all subjects. To be posted two working days
after posting letter of introduction.

For Pilot Two versions of questionnaire (version 10 and version 11); questions in reverse order on version 11 compared to version 10. Restitution item not included.

For Study Four versions : Order Non Custodial

3 Without Restitution Item	Fine to PD (2-0)	PD to Fine (2-1)
3 With Restitution Item	Restitution to PD (3-0)	PD to Restitution (3-1)

3. Reminder card from B Galaway. To all subjects. Posted two working days after posting questionnaire.
4. Follow up letter with additional questionnaire (same version as originally mailed to subjects). Only to subjects who have not returned completed questionnaires. To be posted eight working days after questionnaire posted.

Posting Schedule

	<u>Pilot</u>	<u>Main Study</u>
Post Introductory letter	11 February 83	11 March 83
Post Questionnaire	15 February 83	15 March 83
Post Reminder Card	17 February 83	17 March 83
Post Follow up letter	25 February 83	25 March 83

RESTITUTION STUDY (SURVEY) - PILOT QUESTIONS

Question Form 1	Offense	Number Offenses	Age	Employed	Prior Convictions	Victim	Victim Total	Loss Share
1	Vandalism	1	17	No	1	Business	\$3900	\$1300
2	Car Conversion	16	20	Yes	0	Individual	\$4400	\$1100
3	Burglary	11	18	Yes	0	Business	\$4200	\$2100
4	Car Conversion	1	17	Yes	2	Individual	\$1455	\$1455
5	Car Conversion	3	17	No	0	Public Agency	\$900	\$300
6	Embezzlement	1	29	Yes	0	Business	\$4600	\$4600
7	Car Conversion	3	18	No	4	Individuals	\$900	\$300
8	Vandalism	3	17	Yes	2	Public Agency	\$2400	\$1200
9	Burglary	1	18	No	0	Individual home	\$650	\$650
10	Theft	3	19	Yes	3	Public Agency	\$560	\$560
11	Burglary	1	20	No	5	Business	\$364	\$364
12	Theft by Credit Card	11	21	Yes	6	Business	\$800	\$400
13	Burglary	4	20	No	6	Business	\$780	\$780
14	Burglary	4	20	Yes	7	Individual home	\$893	\$893
15	Burglary	1	20	Yes	3	Individual home	\$120	\$60
16	Theft	6	21	No	2	Business	\$710	\$710

SENTENCING QUESTIONNAIRE

HERE ARE BRIEF DESCRIPTIONS OF CRIMES AND OFFENDERS. PLEASE INDICATE HOW YOU THINK EACH PERSON SHOULD BE PUNISHED BY TICKING THE PROPER BOX AND FILLING IN THE BLANKS.

FIRST DECIDE WHETHER YOU THINK THIS OFFENDER SHOULD GO TO PRISON OR BE PUNISHED IN SOME OTHER WAY. IF YOU THINK HE SHOULD BE PUNISHED IN SOME OTHER WAY, YOU MAY CHOOSE ONE OR MORE OF THE FOLLOWING PUNISHMENTS: SATURDAY UNPAID WORK, PROVIDING UNPAID SERVICE TO A COMMUNITY AGENCY OR GOVERNMENT ORGANISATION, FINE PAID TO THE GOVERNMENT, OR SUPERVISION BY A PROBATION OFFICER. THE CASE DESCRIPTIONS ARE BRIEF BUT PLEASE GIVE US YOUR BEST JUDGMENT OF THE PUNISHMENT YOU THINK SHOULD BE IMPOSED ON EACH OF THESE OFFENDERS.

- 1. An unmarried twenty-one year old male takes clothing and small appliances from stores on six different occasions. Total value of the unrecovered merchandise is \$710. He has two previous convictions for theft from stores and is presently unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

A Imprisonment for months.

OR

B Some other punishment; please select one or more punishments from the list below. PLEASE TICK AS MANY BOXES AS YOU THINK APPROPRIATE AND FILL IN THE BLANKS FOR EACH BOX YOU HAVE TICKED.

- Pay a fine to the government of \$
- Be placed on probation for supervision in the community for a period of months.
- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

- 2. A twenty year old unmarried male and a friend break into a house and steal clothing and food. The goods have not been recovered and, along with damage to the house, are worth \$120. The offender has three previous convictions for theft, vandalism and car conversion. He is employed as a factory worker.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- 3. An unmarried twenty year old male enters four different homes through unlocked doors and windows and takes cash and property valued at \$893. None of the stolen cash or property is recovered. The man has seven previous convictions for four burglaries and three thefts. He is employed by a freezing works.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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4. Over a period of two months an unmarried twenty year old male breaks into four business establishments by forcing windows and doors. The value of unrecovered property and damage to the windows and doors totals \$780. The man has six previous convictions three for burglary, two for theft, and one for wilful damage to property. He is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

5. An unmarried twenty-one year old male and a friend are given what they know to be a stolen VISA card. They use the VISA card eleven times to secure \$800 worth of meals and accommodation while travelling from Wellington to Auckland. The man has six previous convictions for forgery, passing dud checks, theft, and receiving stolen property. He is employed as a fisherman.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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6. A twenty year old unmarried male enters a butcher's shop by smashing a window and steals meat. The meat was not recovered; damage to the shop and the loss of meat is worth \$364. The offender has five previous convictions for burglary, vandalism, car conversion, and theft. He is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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7. On three different occasions, an unmarried 19 year old male steals copper wire and other equipment from a Post Office storage depot. Total value of the loss is \$560 none of which is recovered. He has three previous convictions for theft. He is employed as a gardener.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

8. An unmarried eighteen year old male forces a lock and enters a house at night. He removes a television set. The value of the television set and cost of repairing the lock is \$650. The man has no previous convictions and is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

9. An unmarried 17 year old youth along with a friend breaks windows and does other damage to three school buildings. Cost for repair to the school buildings is \$2400. The youth has two previous convictions, one for wilful damage to property and one for theft. He is employed as a cook's helper.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

10. An unmarried 18 year old male and two friends steal three different cars in one weekend. Two cars are recovered undamaged. While driving the third car, the youth attempts to speed away from the police and is involved in an accident resulting in \$900 damage to the car. He has four previous convictions for car conversion. He is presently unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

A Imprisonment for months.

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11. An unmarried 29 year old male accountant steals \$4,600 from his employer. He has no previous convictions. Although sacked by his employer, the man has been able to secure another position and remains employed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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12. Over two months an unmarried seventeen year old male and two friends take three different cars from a public service lot. Two of the cars are recovered undamaged but the third has damages of \$900. He has no previous convictions and is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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13. An unmarried seventeen year old takes a car without the owner's permission. While driving he has an accident causing \$455 damage to the car. He has two previous convictions for car conversion. He is employed as a scrub cutter.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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14. Over a period of four months an unmarried eighteen year old male, along with a friend, breaks into eleven shops and businesses. The value of unrecovered stolen property and damages to the business establishments totals \$4,200. The man is employed as a painter. He has no previous convictions.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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15. Over a period of four months, an unmarried twenty year old male and three friends steal sixteen cars. All the cars are recovered although electrical and mechanical parts valued at \$4,400 have been removed from the cars. He has no previous convictions. He is working as a factory worker.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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16. An unmarried seventeen year old male and two friends enter a construction site at night and cause \$3,900 damage to equipment. The youth has one previous conviction for car conversion. He is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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Thank you for providing your opinions. Our understanding of your views will be more complete if you will provide the following information about yourself.

Age: _____ years

Sex: _____ female
 _____ male

Ethnic Origins: _____ European/Pakeha
 _____ Maori
 _____ Pacific Islander
 _____ Other (Please Specify _____)

Has anything happened to you in the past twelve months which you think was a crime?

_____ No

_____ Yes (Please describe what has happened)

This is the end of the questionnaire. Thank you for your assistance.

SENTENCING QUESTIONNAIRE

HERE ARE BRIEF DESCRIPTIONS OF CRIMES AND OFFENDERS. PLEASE INDICATE HOW YOU THINK EACH PERSON SHOULD BE PUNISHED BY TICKING THE PROPER BOX AND FILLING IN THE BLANKS.

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1. An unmarried seventeen year old male and two friends enter a construction site at night and cause \$3,900 damage to equipment. The youth has one previous conviction for car conversion. He is unemployed.

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- 2. Over a period of four months, an unmarried twenty year old male and three friends steal sixteen cars. All the cars are recovered although electrical and mechanical parts valued at \$4,400 have been removed from the cars. He has no previous convictions. He is working as a factory worker.

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- 3. Over a period of four months an unmarried eighteen year old male, along with a friend, breaks into eleven shops and businesses. The value of unrecovered stolen property and damages to the business establishments totals \$4,200. The man is employed as a painter. He has no previous convictions.

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- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

- 4. An unmarried seventeen year old takes a car without the owner's permission. While driving he has an accident causing \$455 damage to the car. He has two previous convictions for car conversion. He is employed as a scrub cutter.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

A Imprisonment for months.

OR

B Some other punishment; please select one or more punishments from the list below. PLEASE TICK AS MANY BOXES AS YOU THINK APPROPRIATE AND FILL IN THE BLANKS FOR EACH BOX YOU HAVE TICKED.

- Pay a fine to the government of \$
- Be placed on probation for supervision in the community for a period of months.
- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

- 5. Over two months an unmarried seventeen year old male and two friends take three different cars from a public service lot. Two of the cars are recovered undamaged but the third has damages of \$900. He has no previous convictions and is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for

6. An unmarried 29 year old male accountant steals \$4,600 from his employer. He has no previous convictions. Although sacked by his employer, the man has been able to secure another position and remains employed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Be placed on probation for supervision in the community for a period of months.
- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

7. An unmarried 18 year old male and two friends steal three different cars in one weekend. Two cars are recovered undamaged. While driving the third car, the youth attempts to speed away from the police and is involved in an accident resulting in \$900 damage to the car. He has four previous convictions for car conversion. He is presently unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Be placed on probation for supervision in the community for a period of months.
- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for

8. An unmarried 17 year old youth along with a friend breaks windows and does other damage to three school buildings. Cost for repair to the school buildings is \$2400. The youth has two previous convictions, one for wilful damage to property and one for theft. He is employed as a cook's helper.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

9. An unmarried eighteen year old male forces a lock and enters a house at night. He removes a television set. The value of the television set and cost of repairing the lock is \$650. The man has no previous convictions and is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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10. On three different occasions, an unmarried 19 year old male steals copper wire and other equipment from a Post Office storage depot. Total value of the loss is \$560 none of which is recovered. He has three previous convictions for theft. He is employed as a gardener.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

11. A twenty year old unmarried male enters a butcher's shop by smashing a window and steals meat. The meat was not recovered; damage to the shop and the loss of meat is worth \$364. The offender has five previous convictions for burglary, vandalism, car conversion, and theft. He is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE EITHER TICK BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

12. An unmarried twenty-one year old male and a friend are given what they know to be a stolen VISA card. They use the VISA card eleven times to secure \$800 worth of meals and accommodation while travelling from Wellington to Auckland. The man has six previous convictions for forgery, passing dud checks, theft, and receiving stolen property. He is employed as a fisherman.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

13. Over a period of two months an unmarried twenty year old male breaks into four business establishments by forcing windows and doors. The value of unrecovered property and damage to the windows and doors totals \$780. The man has six previous convictions three for burglary, two for theft, and one for wilful damage to property. He is unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Spend Saturdays working without pay as a member of a work gang doing work to benefit the comm.

14. An unmarried twenty year old male enters four different homes through unlocked doors and windows and takes cash and property valued at \$893. None of the stolen cash or property is recovered. The man has seven previous convictions for four burglaries and three thefts. He is employed by a freezing works.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

15. A twenty year old unmarried male and a friend break into a house and steal clothing and food. The goods have not been recovered and, along with damage to the house, are worth \$120. The offender has three previous convictions for theft, vandalism and car conversion. He is employed as a factory worker.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

16. An unmarried twenty-one year old male takes clothing and small appliances from stores on six different occasions. Total value of the unrecovered merchandise is \$710. He has two previous convictions for theft from stores and is presently unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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Thank you for providing your opinions. Our understanding of your views will be more complete if you will provide the following information about yourself.

Age: _____ years

Sex: _____ female
 _____ male

Ethnic Origins: _____ European/Pakeha
 _____ Maori
 _____ Pacific Islander
 _____ Other (Please Specify _____)

Has anything happened to you in the past twelve months which you think was a crime?

_____ No

_____ Yes (Please describe what has happened)

This is the end of the questionnaire. Thank you for your assistance.



DEPARTMENT OF JUSTICE

Private Bag, Postal Centre
Wellington
Telephone 725-980

Charles Fergusson Building
Bowen Street, Wellington

In reply, please quote

March 1983

In the next few days you will be receiving a questionnaire from Professor Burt Galaway of the University of Minnesota. Professor Galaway is in New Zealand for one year to do research with the Department of Justice. He is conducting a study to learn what punishment New Zealand citizens consider appropriate for property offenders. The study has been approved by the Secretary for Justice.

You are one of a sample of New Zealand adults who have been randomly selected to receive a questionnaire. The questionnaire will arrive in the next few days and will take about ten minutes to complete. This study will provide very useful information regarding public thinking. We will appreciate your taking the few minutes necessary to complete the questionnaire.

Your answers on the questionnaire will be entirely confidential; you will not need to identify yourself in any way. I'm thanking you in advance for your help with this study.

Yours faithfully

G. Simpson

(G. Simpson)
for Secretary for Justice



DEPARTMENT OF JUSTICE

Private Bag, Postal Centre
Wellington
Telephone 725-980

Charles Fergusson Building
Bowen Street, Wellington

In reply, please quote

March 1983

A few days ago you received a letter from Mr Graheam Simpson regarding the study I am doing. The study will provide an indication of the thinking of New Zealand citizens regarding the proper way to punish offenders who commit crimes against property. Your views on this matter are particularly important and will assist in making decisions regarding proper responses to these offenders.

The enclosed questionnaire is to be completed and returned to me in the stamped, self-addressed envelope which is provided. The questionnaire can be completed in about ten minutes. Please return the questionnaire by 23 March 1983.

The information you provide will be held confidential; I am surveying a large sample of New Zealand citizens and will only release summary information. The answers provided by individual citizens remain entirely confidential. Please do not put your name on the questionnaire. The return envelope does contain a code number which will allow me to follow up on persons who haven't returned questionnaires; I separate the envelopes from the questionnaires, however, when they arrive in my office and nobody will be able to link your questionnaire to you.

Should you have any questions about this research please feel free to contact me at the Department of Justice by mail or phone (WN 725-980, ext. 8799). Thank you very much for completing the questionnaire.

Sincerely

Burt Galaway

Burt Galaway
Senior Research Fellow



DEPARTMENT OF JUSTICE

Private Bag, Postal Centre
Wellington
Telephone 725-980

Charles Fergusson Building
Bowen Street, Wellington

In reply, please quote

Two weeks ago I posted to you a questionnaire to secure your opinion regarding punishment for persons who commit crimes against property. The completed questionnaire has not yet been returned and may have been misplaced.

I need opinions from everyone who received the questionnaire to increase the usefulness of this study. I'll very much appreciate your taking a few minutes now to complete the questionnaire and return it to me in the postage free envelope which is provided.

The information you provide will be held confidential; I am surveying a large sample of New Zealand citizens and will only release summary information. The answers provided by individual citizens remain entirely confidential. Please do not put your name on the questionnaire. The return envelope does contain a code number which will allow me to follow up persons who haven't returned questionnaires; I separate the envelopes from the questionnaires, however, when they arrive in my office and nobody will be able to link your questionnaire to you.

Should you have any questions about this research please feel free to contact me at the Department of Justice by mail or phone (WN 725-980 Extension 8799). Thank you very much for completing the questionnaire.

Sincerely

Burt Galaway
Senior Research Fellow



DEPARTMENT OF JUSTICE

Private Bag, Postal Centre
Wellington
Telephone 725-980

Charles Fergusson Building
Bowen Street, Wellington

In reply, please quote

March 1983

I'm sorry you did not receive the questionnaire we posted to you. The study will provide an indication of the thinking of New Zealand citizens regarding the proper way to punish offenders who commit crimes against property. Your views on this matter are particularly important and will assist in making decisions regarding proper responses to these offenders.

The enclosed questionnaire is to be completed and returned to me in the stamped, self-addressed envelope which is provided. The questionnaire can be completed in about ten minutes.

The information you provide will be held confidential; I am surveying a large sample of New Zealand citizens and will only release summary information. The answers provided by individual citizens remain entirely confidential. Please do not put your name on the questionnaire. The return envelope does contain a code number which will allow me to follow up on persons who haven't returned questionnaires; I separate the envelopes from the questionnaires, however, when they arrive in my office and nobody will be able to link your questionnaire to you.

Should you have any questions about this research please feel free to contact me at the Department of Justice by mail or phone (WN 725-980, ext. 8799). Thank you very much for completing the questionnaire.

Sincerely

Burt Galaway
Senior Research Fellow

Postage Paid:
Wellington, New Zealand
Permit No. 1182

A few days ago I posted to you a questionnaire to secure your opinions regarding punishment for people who commit property crimes. If you have completed and returned the questionnaire, please accept my thanks.

If you have not yet been able to complete the questionnaire, I will appreciate your taking a few minutes now to do so. The opinions of everyone who received the questionnaire are needed to increase the usefulness of this study.

If you have not received or have misplaced the questionnaire, I'll be happy to send you another copy. Please either telephone me (WN 725-980, Extension 8799) or post this card back to me at the Department of Justice, Private Bag, Postal Centre, Wellington.

Burt Galaway
Burt Galaway
Senior Research Fellow
Department of Justice

RESTITUTION STUDY (SURVEY)

REPORT OF THE PILOT SURVEY

This research is to test the proposition that requiring property offenders to make restitution to their victims will decrease public expectations that imprisonment be used as a penalty for property offenders. The research is to be conducted by drawing two independent random samples of 1,200 each from the electoral rolls. Members of each sample will be presented with one paragraph descriptions of property crime incidents and asked to indicate if they consider imprisonment or non-custodial sanctions an appropriate penalty for each offender. One sample (the control group) is able to select imprisonment or one or more of the following non-custodial sanctions: fine, probation, community service, or non-residential periodic detention. The second sample (the experimental sample) has the option of including restitution with the non-custodial sanctions. The hypothesis to be tested is that the sample with restitution as an option will be less likely to recommend imprisonment than the sample without restitution as an option.

A pilot study was conducted to select crime incidents for use in the main study. Since the research is testing the proposition that restitution will decrease public demand for imprisonment, crime incidents for which there were variations of opinion among the public regarding the use of imprisonment were required. Crime incidents for which there were little support for imprisonment as a sanction would not be useful because support for imprisonment would already be low and unlikely to be reduced. Conversely, incidents for which there were strong support for imprisonment would also be inappropriate because these views may be so entrenched that a single element, such as restitution, would be unlikely to alter the views. Items were sought for the final study on which between forty and seventy percent of the respondents from the pilot study recommend imprisonment without the presence of the restitution option.

Sixteen property crime incident descriptions were generated based on files of property offenders who had been sentenced to New Zealand prisons. The variables of sex and marital status (male, unmarried) were held constant and age was varied within a narrow range (17-29) to reflect the typical offender entering a New Zealand prison. Because of the possible confounding effect of ethnic origin and because this variable is not central to the hypothesis to be tested, no reference was made to the offender's ethnic origin in the descriptions. The sixteen descriptions varied in regards to the variables of type of property crime, number of concurrent charges, number of previous convictions, employment status of the offender, victim (individual, business or government body), and amount of damage done.

The pilot study was conducted with a sample of 184 persons whose names were randomly selected from the electoral rolls; two names were randomly selected from each of the 92 rolls. A letter of introduction from an official within the Justice Department was posted to each person to briefly explained the study. Two days later the questionnaire was posted with a cover letter from the researcher. A postal reminder card was posted to each person two days after the mailing of the questionnaire and, finally, two weeks after the mailing of the questionnaire persons who had not responded were sent an additional follow-up letter with an additional copy of the questionnaire.

A sixty-one percent response rate (113 returned and usable questionnaires) was achieved prior to sending the follow-up questionnaire. This effort produced an additional thirty-four questionnaires for a total usable response rate of seventy-eight percent.

The only data analysis necessary for the pilot was to determine the proportion of respondents who recommended imprisonment for each of the crime incidents. The proportions ranged from six percent to sixty-four percent and are displayed as Table P1.

Crime incidents six, seven, twelve, thirteen, fourteen, and sixteen have been selected for use in the main survey. Crime incidents six and sixteen did not secure the desired forty percent recommendations for imprisonment. These are being used in the main study, however, to achieve some balance on the dimensions of type of property offense and employment status of offender.

Burt Galaway
Senior Research Fellow

25 March 1983

TABLE 1: PILOT SURVEY RESPONDENTS RECOMMENDING IMPRISONMENT (NON-RESTITUTION FORM OF QUESTIONNAIRE)

	Percent *		Percent *
1. An unmarried seventeen year old male and two friends enter a construction site at night and cause \$3,900 damage to equipment. The youth has one previous conviction for car conversion. He is unemployed.	17.2	9. An unmarried eighteen year old male forces a lock and enters a house at night. He removes a television set. The value of the television set and cost of repairing the lock is \$650. The man has no previous convictions and is unemployed.	6.3
2. Over a period of four months, an unmarried twenty year old male and three friends steal sixteen cars. All the cars are recovered although electrical and mechanical parts valued at \$4,400 have been removed from the cars. He has no previous convictions.	29.6	10. On three different occasions, an unmarried 19 year old steals copper wire and other equipment from a Post Office storage depot. Total value of the loss is \$560 none of which is recovered. He has three previous convictions for theft. He is employed as a gardener.	26.8
3. Over a period of four months an unmarried eighteen year old male, along with a friend, breaks into eleven shops and businesses. The value of unrecovered stolen property and damages to the business establishments totals \$4,200. The man is employed as a painter. He has no previous convictions.	22.7	11. A twenty year old unmarried male enters a butcher's shop by smashing a window and steals meat. The meat was not recovered; damage to the shop and the loss of meat is worth \$364. The offender has five previous convictions for burglary, vandalism, car conversion and theft. He is unemployed.	55.2
4. An unmarried seventeen year old takes a car without the owner's permission. While driving he has an accident causing \$455 damage to the car. He has two previous convictions for car conversion. He is employed as a scrub cutter.	17.6	** 12. An unmarried twenty-one year old male and a friend are given what they know to be a stolen VISA card. They use the VISA card eleven times to secure \$800 worth of meals and accommodation while travelling from Wellington to Auckland. The man has six previous convictions for forgery, passing dud checks, theft, and receiving stolen property. He is employed as a fisherman.	58.5
5. Over two months an unmarried seventeen year old male and two friends take three different cars from a public service lot. Two of the cars are recovered undamaged but the third has damages of \$900. He has no previous convictions and is unemployed.	5.6	** 13. Over a period of two months an unmarried twenty year old male breaks into four business establishments by forcing windows and doors. The value of unrecovered property and damage to the windows and doors totals \$780. The man has six previous convictions three for burglary, two for theft, and one for wilful damage to property. He is unemployed.	63.6
6. An unmarried 29 year old male accountant steals \$4,600 from his employer. He has no previous convictions. Although sacked by his employer, the man has been able to secure another position and remains employed.	32.9	** 14. An unmarried twenty year old male enters four different homes through unlocked doors and windows and takes cash and property valued at \$893. None of the stolen cash or property is recovered. The man has seven previous convictions for four burglaries and three thefts. He is employed by a freezing works.	58.7
7. An unmarried 18 year old male and two friends steal three different cars in one weekend. Two cars are recovered undamaged. While driving the third car, the youth attempts to speed away from the police and is involved in an accident resulting in \$900 damage to the car. He has four previous convictions for car conversion. He is presently unemployed.	53.5	** 15. A twenty year old unmarried male and a friend break into a house and steal clothing and food. The goods have not been recovered and, along with damage to the house, are worth \$120. The offender has three previous convictions for theft, vandalism and car conversion. He is employed as a factory worker.	29.6
8. An unmarried 17 year old youth along with a friend breaks windows and does other damage to three school buildings. Cost for repair to the school buildings is \$2,400. The youth has two previous convictions, one for wilful damage to property and one for theft. He is employed as a cook's helper.	20.8	** 16. An unmarried twenty-one year old male takes clothing and small appliances from stores on six different occasions. Total value of the unrecovered merchandise is \$710. He has two previous convictions for theft from stores and is presently unemployed.	31.9

* 146 Usable responses from a mailing of 184; response rate of 79.3
 ** Items selected for use in main survey

SENTENCING QUESTIONNAIRE

HERE ARE BRIEF DESCRIPTIONS OF CRIMES AND OFFENDERS. PLEASE INDICATE HOW YOU THINK EACH PERSON SHOULD BE PUNISHED BY TICKING THE PROPER BOX AND FILLING IN THE BLANKS.

FIRST DECIDE WHETHER YOU THINK THIS OFFENDER SHOULD GO TO PRISON OR BE PUNISHED IN SOME OTHER WAY. IF YOU THINK HE SHOULD BE PUNISHED IN SOME OTHER WAY, YOU MAY CHOOSE ONE OR MORE OF THE FOLLOWING PUNISHMENTS: SATURDAY UNPAID WORK, PROVIDING UNPAID SERVICE TO A COMMUNITY AGENCY OR GOVERNMENT ORGANISATION, FINE PAID TO THE GOVERNMENT, OR SUPERVISION BY A PROBATION OFFICER. THE CASE DESCRIPTIONS ARE BRIEF BUT PLEASE GIVE US YOUR BEST JUDGMENT OF THE PUNISHMENT YOU THINK SHOULD BE IMPOSED ON EACH OF THESE OFFENDERS.

- 1. An unmarried 29 year old male accountant steals \$4,600 from his employer. He has no previous convictions. Although sacked by his employer, the man has been able to secure another position and remains employed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

A Imprisonment for months.

OR

B Some other punishment; please select one or more punishments from the list below. PLEASE TICK AS MANY BOXES AS YOU THINK APPROPRIATE AND FILL IN THE BLANKS FOR EACH BOX YOU HAVE TICKED.

- Pay a fine to the government of \$
- Be placed on probation for supervision in the community for a period of months.
- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

- 2. An unmarried 18 year old male and two friends steal three different cars in one weekend. Two cars are recovered undamaged. While driving the third car, the youth attempts to speed away from the police and is involved in an accident resulting in \$900 damage to the car. He has four previous convictions for car conversion. He is presently unemployed.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

A Imprisonment for months.

OR

B Some other punishment; please select one or more punishments from the list below one or more punishments you recommend. PLEASE TICK AS MANY BOXES AS YOU THINK APPROPRIATE AND FILL IN THE BLANKS FOR EACH BOX YOU HAVE TICKED.

- Pay a fine to the government of \$
- Be placed on probation for supervision in the community for a period of months.
- Provide unpaid service to a community agency or government organisation for hours.
- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

- 3. An unmarried twenty-one year old male and a friend are given what they know to be a stolen VISA card. They use the VISA card eleven times to secure \$800 worth of meals and accommodation while travelling from Wellington to Auckland. The man has six previous convictions for forgery, passing dud checks, theft, and receiving stolen property. He is employed as a fisherman.

Do you consider imprisonment or do you consider some other punishment appropriate for this offender? PLEASE TICK EITHER BOX A OR BOX B BUT DO NOT TICK BOTH BOXES; IF YOU CHOOSE IMPRISONMENT, PLEASE FILL IN THE BLANK TO INDICATE THE MONTHS OF IMPRISONMENT.

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- Spend Saturdays working without pay as a member of a work gang doing work to benefit the community for weeks.

4. Over a period of two months an unmarried twenty year old male breaks into four business establishments by forcing windows and doors. The value of unrecovered property and damage to the windows and doors totals \$780. The man has six previous convictions three for burglary, two for theft, and one for wilful damage to property. He is unemployed.

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6. An unmarried twenty-one year old male takes clothing and small appliances from stores on six different occasions. Total value of the unrecovered merchandise is \$710. He has two previous convictions for theft from stores and is presently unemployed.

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CONTINUED

1 OF 2

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RESTITUTION SURVEY RESPONSE RATES

	Pilot	Control	Restitution
Completed Questionnaires Returned	146	923	965
Questionnaires Returned by Respondent but not completed	?))	51	27
Questionnaires Returned by Post Office	?))	81	81
25 Undeliverable)		
Questionnaires Not Returned	?))	145	127
	_____)	_____	_____
Total Questionnaires Distributed	184	1200	1200
Response rate for usable Questionnaires	79.3%	76.9%	80.3%

RESTITUTION STUDY (SURVEY) CODEBOOK

<u>Columns</u>	<u>Code Sheet Reference#</u>	<u>Variable</u>	<u>Codes</u>
Card 1 1-4	1	VAR001 Questionnaire number	Number all questionnaires including those used for pilot sequentially beginning with 0001. Record number on questionnaire and retain questionnaires in numbered order.
5		Card Number	1
6	2	VAR002 Group	1 = Pilot Study 2 = Control Sample 3 = Experimental Sample (with restitution choice)
7-8	3	VAR003 Electoral Roll	See electoral roll codes
9	4	VAR004 Version	Blank for all pilot questionnaires 0 = Non custodial items ordered from restitution (or fine) to periodic detention 1 = Non custodial penalties ordered from periodic detention to restitution or fine
		<u>CRIME A is Question 1</u>	
10-12	5	VARA05 Crime A Prison (months)	000 = No Prison Actual Months 999 = Prison recommended but no length indicated

13-16	6	VARA06 Crime A Restitution (dollars)
17-20	7	VARA07 Crime A Fine (dollars)
21-23	8	VARA08 Crime A Probation (months)
24-26	9	VARA09 Crime A Community Service (hours)
27-29	10	VARA10 Crime A Periodic Detention (weeks)

Code Variables 6 through 10 as:
 000 - not recommended (use this code for the restitution item for both pilot and control samples)
 If a penalty is recommended code the quantity recommended.
 9998 or 998 - quantity exceeds available space
 9999 or 999 - penalty recommended but no quantity indicated

CRIME B is Question 2

30-32	11	VARB11 Crime B Prison (months)
33-36	12	VARB12 Crime B Restitution (dollars)
37-40	13	VARB13 Crime B Fine (dollars)
41-43	14	VARB14 Crime B Probation (months)
44-46	15	VARB15 Crime B Community Service (hours)
47-49	16	VARB16 Crime B Periodic Detention (weeks)

Code variables 11 through 16 as instructed above for variables 5 through 10

CRIME C is Question 3

50-52	17	VARC17 Crime C Prison (months)
53-56	18	VARC18 Crime C Restitution (dollars)

Code variables 17 through 22 as instructed above for variables 5 through 10

57-60	19	VARC19 Crime C Fine (dollars)
61-63	20	VARC20 Crime C Probation (months)
64-66	21	VARC21 Crime C Community Service (hours)
67-69	22	VARC22 Crime C Periodic Detention (weeks)
70-80		Blanks

Card 2
1-4
5

Questionnaire number

Enter questionnaire number

Card number

2

CRIME D is Question 4

6-8	23	VARD23 Crime D Prison (months)
9-12	24	VARD24 Crime D Restitution (dollars)
13-16	25	VARD25 Crime D Fine (dollars)
17-19	26	VARD26 Crime D Probation (months)
20-22	27	VARD27 Crime D Community Service (hours)
23-25	28	VARD28 Crime D Periodic Detention (weeks)

Code variables 23 through 28 as instructed
above for variables 5 through 10

CRIME E is Question 5

26-28	29	VARE29 Crime E Prison (months)
29-32	30	VARE30 Crime E Restitution (dollars)

Code variables 29 through 34 as instructed
above for variables 5 through 10

33-36	31	VARE31 Crime E Fine (dollars)
37-39	32	VARE32 Crime E Probation (months)
40-42	33	VARE33 Crime E Community Service (hours)
43-45	34	VARE34 Crime E Periodic Detention (weeks)

CRIME F is Question 6

46-48	35	VARF35 Crime F Prisons (months)
49-52	36	VARF36 Crime F Restitution (dollars)
53-56	37	VARF37 Crime F Fines (dollars)
57-59	38	VARF38 Crime E Probation (months)
60-62	39	VARF39 Crime F Community Service (hours)
63-65	40	VARF40 Crime F Periodic Detention (weeks)
66-67	41	VARO41 Age
68	42	VARO42 Sex
69	43	VARO43 Ethnic Group

Code variables 35 through 40 as instructed above for variables 5 through 10

Age given. If no age given, leave blank

1 = Female

2 = Male

Blank = none given

1 = European/Pakeha

2 = Maori

3 = Pacific Islander

4 = Other

Blank = None given

70

44

VARO44 Crime Victim

If more than one item indicated, code as blank

- 0 = No
- 1 = Yes, victim of property crime other than burglary
- 2 = Yes, burglary victim
- 3 = Yes, victim of crime of violence including attempted violence and theft with force or robbery
- 4 = Yes, but did not specify crime
- 5 = Yes, other
- Blank = no response given

70

44

VARO44 Crime Victim

If more than one item indicated, code
as blank

- 0 = No
- 1 = Yes, victim of property crime other
than burglary
- 2 = Yes, burglary victim
- 3 = Yes, victim of crime of violence
including attempted violence and
theft with force or robbery
- 4 = Yes, but did not specify crime
- 5 = Yes, offer
- Blank = no response given

CODE SHEET FOR RESTITUTION STUDY (SURVEY)

CARD 1		CARD 2	
1. Questionnaire	(1-4)	Questionnaire	(1-4)
Card #	(5)	Card #	(5)
2. Group	(6)	<u>CRIME D</u>	
3. Elect Roll	(7,8)	23. Prison mths	(6-8)
4. Version	(9)	24. Rest \$	(9-12)
<u>CRIME A</u>		25. Fine \$	(13-16)
5. Prison mths	(10-12)	26. Prob mths	(17-19)
6. Rest \$	(13-16)	27. C.S. hours	(20-22)
7. Fine \$	(17-20)	28. P.D. weeks	(23-25)
8. Prob mths	(21-23)	<u>CRIME E</u>	
9. C.S. hours	(24-26)	29. Prison mths	(26-28)
10. P.D. weeks	(27-29)	30. Rest \$	(29-32)
<u>CRIME B</u>		31. Fine \$	(33-36)
11. Prison mths	(30-32)	32. Prob mths	(37-39)
12. Rest \$	(33-36)	33. C.S. hours	(40-42)
13. Fine \$	(37-40)	34. P.D. weeks	(43-45)
14. Prob mths	(41-43)	<u>CRIME F</u>	
15. C.S. hours	(44-46)	35. Prison mths	(46-48)
16. P.D. weeks	(47-49)	36. Rest \$	(49-52)
<u>CRIME C</u>		37. Fine \$	(53-56)
17. Prison mths	(50-52)	38. Prob mths	(57-59)
18. Rest \$	(53-56)	39. C.S. hours	(60-62)
19. Fine \$	(57-60)	40. P.D. weeks	(63-65)
20. Prob mths	(61-63)	41. Age	(66-67)
21. C.S. hours	(64-66)	42. Sex	(68)
22. P.D. weeks	(67-69)	43. Ethnic	(69)
BLANK	(70-80)	44. Victim?	(70)
		BLANK	(71-80)

END