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Attitudes to Punishment. The Results of Three Surveys**

1. INTRODUCTION

In public debate the subject of criminal policy often returns on the extent of sentences for particular crimes and offences. Questions are raised such as whether Polish criminal law is effective, just and/or severe. Discussion centres on the need for making the present provisions more rigorous, especially for the most serious crimes. The general question of punishing those responsible for crimes is regularly undertaken in the media, especially with every subsequent ‘publicised’ criminal case. One such occasions the unchanging question is raised again on the need for possible changes in criminal law.

So as to provide an answer to such questions it would be necessary first of all to consider whether such changes are necessary for resolving the problem that is the subject of debate. If the answer is in the affirmative then subsequently it is necessary to consider what changes would be appropriate and proportional for the stature and scale of the problem in question. This would therefore amount to drafting legislation for relevant changes that would in fact prove useful and necessary. Penal policy however, has become a permanent element of public debate and it is no longer possible to separate objective research on the effectiveness of criminal law and particular forms of sentences (i.e. in preventing crime) from the voice of public opinion on the same subject. Such a policy on the part of the state is observed and assessed by society. The specific decisions of state organs in respect to the introduction and practice of law, including criminal law, have an influence on social mood and sensibilities. On the other hand though, public opinion can also influence penal policy, specifically social expectations and sensibilities can have an impact on the change of relevant provisions in the law. In this respect Professor Mirosława Melezini in 2003 wrote:

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** The manuscript was submitted by the authors on 2 January 2019; the manuscript was accepted for publication by the editorial board on 7 March 2019.

At the centre of debate an issue (today) of supreme importance for penal policy has arisen that concerns the means of reacting to the phenomenon of crime. With ever increasing intensity there have arisen – by no means new ones – the following questions: whether increasing the severity of sentences can lead to a lowering of the crime rate and therefore the answer to an increase in crime ought to be the increase in punitive repression. Or indeed whether in the light of an increase in crime it is appropriate to increase the repressive nature of criminal law or to maintain the rationalism of sentences promoted by the new penal code?¹.

Today we are witness to crime drop and improvement of safety in Poland², nonetheless questions to do with penal policy remain the same. It is worth checking therefore how present opinions on the part of polls on this very issue are shaping. This research is aimed at checking what Poles think of the criminal law functioning at present and what the attitude is to increasing the severity of punitive provisions. For this purpose, in July and August 2018, on the commission of the Institute of Justice, three independent surveys of public opinion concerning penal policy were conducted. The following were chosen for this purpose: Kantar, CBOS and Ipsos. Every survey was conducted by means of the Omnibus Method, which guarantees the completion of research on a nationwide representative sample of Polish residents.

Thanks to the completion of surveys by three independent research centres a unique comparative set of data has been gained in respect to Polish society's attitude to penal policy. In the case of the majority of questions the opinions of respondents in the respective surveys were very similar, as confirmed by their level of reliability and accuracy. In several instances there were observed however, significant differences in answers that this issue demands a thorough methodological analysis, one that goes beyond the context of this study.

This report entails the above introduction, research methodology, research results, conclusion and appendix.

2. RESEARCH METHODOLOGY

As already mentioned, each of the three projects discussed in this study was conducted via the Omnibus Method – cyclical multi-aspectual public opinion research conducted on a nationwide representative sample of Polish residents. The survey was conducted using direct interview techniques (in respondents' homes), using CAPI – Computer Assisted Personal Interview. Thus, the questions appearing on the laptop screen were read out and then answers given by the respondent were marked (closed question) or the respondent's answer was written down (open question).

¹ M. Melezini, *Punitive wrażliwość wymiaru sprawiedliwości karnej w Polsce w XX wieku*, Białystok, 2003, 9.

² Cf. for example, *Mniej przestępstw, wysokie poczucie bezpieczeństwa Polaków – podsumowanie I półrocza 2018 roku*, „Statystyka” Policji, <http://statystyka.policja.pl/st/informacje/161093,Mniej-przestepstw-wysokie-poczucie-bezpieczenstwa-Polakow-podsumowanie-I-polroc.html> (accessed on 23 November 2018); *Raport o stanie bezpieczeństwa w Polsce w 2016 roku*, www.bip.mswia.gov.pl/download/4/31673/RaportostaniebezpieczenstwawPolscew2016roku.pdf (accessed on 23 November 2018).

The research was conducted as follows:

- Kantar: 27 July – 1 August 2018
- Ipsos: 9 – 14 August 2018
- CBOS: 23 – 28 August 2018

The data entailed answers to a block of 10 questions devoted to various aspects of public opinion on forms and means of sentences, and answers to questions that characterised the social-demographic traits of those surveyed (so-called metrical questions).

The research conducted by Kantar was quote-random sample in nature and drawn from the Statistics Poland database. In all, 1061 individuals took part in the survey, aged 15 to 90 (46 average), including 51.6% women and 48.4% men; 18.1% of whom had elementary education, 28.7% vocational education, 38.4% secondary education and 14.9% higher education.

The Ipsos survey chose respondents by quota sample for gender and age in 168 target points (communes) at random for proportional likelihood to population. After the survey the sample was weighted for gender, age, education and location type (town/village), which insured its representative nature for the population of Polish residents surveyed, aged 15 and over. As a result, the sample covered 1000 individuals aged 15 to 88 (46 average), out of which there were 52.2% women and 47.8% men; among whom 18.8% had elementary education, 24.2% vocational education, 33.7% secondary education and 23.3% higher education. In sum, 1,002 interviews were conducted.

The CBOS survey was also weighted in respect to the raw data (*rim weighting*), taking into account social-demographic traits such as gender, age, size of town, province and education. Altogether, 1000 individuals above the age of 18 took part in the survey, out of whom there were 52.7% women and 47.3% men; 17.9% had elementary/middle school education, 24.1% basic vocational education, 31% secondary education and 27% higher education.

On the basis of the above data is possible to state that the respective population groups surveyed in the three above-mentioned surveys are comparable in respect to demography³.

3. DISCUSSION OF RESEARCH RESULTS

The first of the questions set in the survey concerned the general social attitudes to the possibility of limiting crime thanks to a more rigorous criminal law and its provisions. The relevant questions and proposed choices by way of answers were the same in the three surveys⁴. Irrespective of survey, the majority of respondents were in favour of limiting crime and improving the safety of citizens as well as

³ It is possible to note however, the cohort in the Kantar survey had the lowest percentage of those with higher education – 14.9%, while for Ipsos this was 23.3% and CBOS 31% respectively.

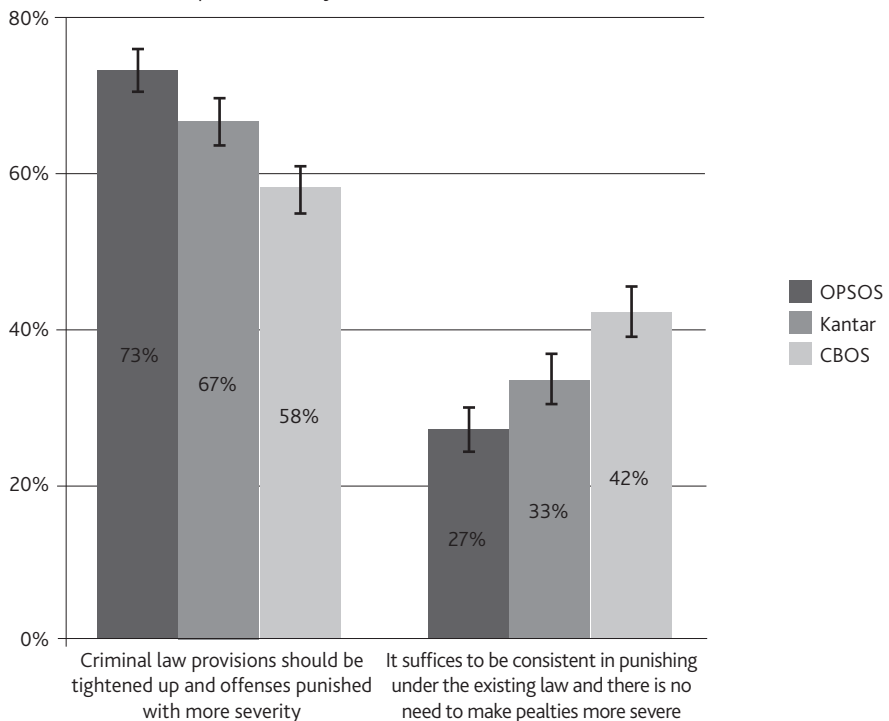
⁴ The only modification was the wording in the Kantar survey. It read as follows: *Which of the following opinions is closest to your views?* And possible answers: *So as to limit crime it is necessary to make more stringent the provisions of criminal law/So as to limit crime it is sufficient to meet out a sentence according to the present law/Difficult to say.* In the survey conducted by Ipsos, in the answer of the second category the word ‘consistent’ was also absent.

meting out more severe forms of sentences for crime. As can be seen in Chart 1, the most decided on this issue were those surveyed by Ipsos – as much as 73% expressed support for a more severe penal policy. On the other hand, 42% of those surveyed by CBOS stated that it is enough to consistently execute the law as it stands and it is not necessary to make sentences more severe. The columns (error margin) presented on the chart represent the range of trust (95%) for particular answers.

These show that contrary to expectations and methodological assumptions, the differences in respondents' answers – surveyed by three different research centres – are statistically significant. This particular question requires no doubt a more precise form of methodological analysis, one beyond the confines of this brief report. It is worth however, to note that results very close to the 'average' from these surveys were gained for a comparable question set by CBOS in 1996. After adjusting to the same format (without the answer 'Difficult to say') that survey showed 64% were of the opinion that so as to limit crime the provisions of the law need to be more stringent and respectively 36% that it is enough to firmly and consistently execute the law according to its existing provisions⁵.

Chart 1.

So as to limit crime and improve the safety of citizens...



Source: Author's own study.

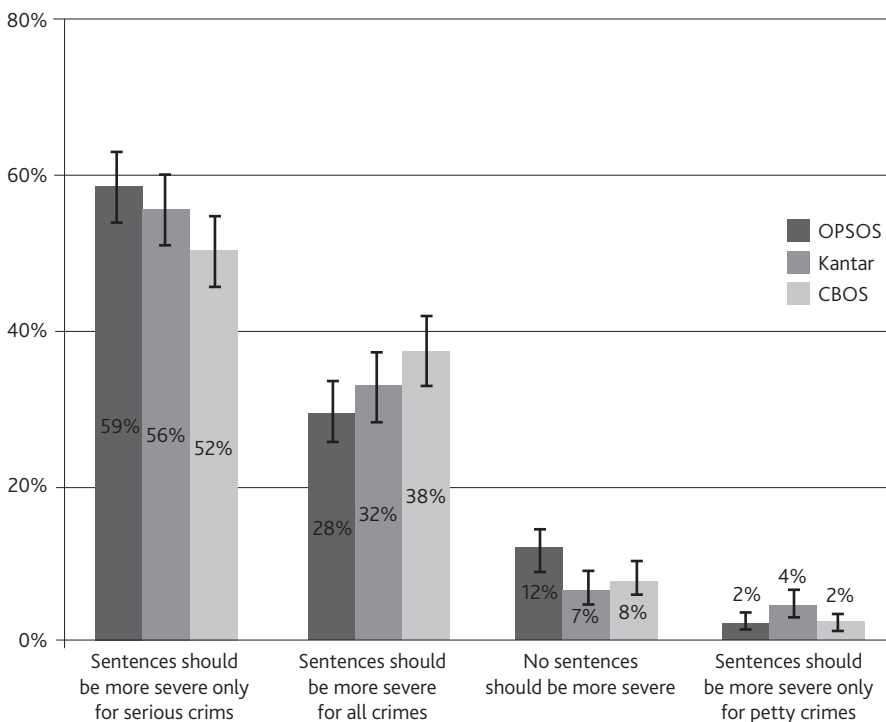
⁵ Cf. *Sposoby walki z przestępczością*, Komunikat z badań, Warszawa, maj 1996 roku, https://www.cbos.pl/SPISKOM.POL/1996/K_074_96.PDF (accessed on 23 November 2018).

The second concerned the issue whether there should be particular sentences for crimes and if so then generally speaking, what particular sentences in the opinion of respondents should be more severe⁶.

It is possible to note in Chart 2 that the hierarchy of answers given was the same in each of the surveys. The most in this respect – over half of respondents in each survey – represented those in favour of more severe sentences only for serious crimes. The remainder of those surveyed (about 30% in each research) spoke in favour of increasing sentences for all crimes. Respondents, choosing between the last two answers, stated that there is no need to make sentences more severe (average 9%), while relatively few took the position that sentences should only be more severe for petty crimes. Moreover, it is worth noting that inasmuch there are visible differences between the surveys in the answers speaking for increasing sentences, in respect to the position that sentences should not be made more severe, the respective answers and their percentages in particular surveys are very similar. Those with a punitive point of view could therefore choose between the categories: ‘sentences should be more severe for all crimes’ (more stringent position) and ‘sentences should be more severe only for serious crimes’ (less stringent position).

Chart 2.

Should sentences be more severe for crimes and if so, which ones?



Source: Author's own study.

⁶ In the Kantar survey the question read: 'And take into account the following opinions, which is the closest to yours?'. In the second answer, instead of the word 'serious' there appeared the words 'most grievous'.

In the next question respondents were asked to take a position on the matter of sentences for serious crimes against life, health and personal freedom – are more severe sentences an expression of justice and do they increase the sense of safety on the part of citizens, or rather denote an excessive interference on the part of the state in personal freedom, lowering the sense of safety of citizens.

In the surveys conducted by Kantar and CBOS the question was set in the same form. In both the results are similar – a decided majority of respondents view a more severe form of sentences for given crimes as an expression of justice and a means of increasing the sense of safety on the part of citizens (over 80%).

In the research conducted by Ipsos, however, this issue was broken into two separate questions – respectively for crimes against life and health as well as those against personal freedom. The respondents answered in very similar fashion in both cases. Thus a decided majority considered a more severe form of sentences for crimes against life and health (83.5%) as well as for crimes against personal freedom (81.1%), as an expression of justice and a means of increasing the sense of safety.

Table 1. Making sentences for serious crimes more severe against life, health and personal freedom in your opinion:				
	Kantar		CBOS	
	N	%	N	%
is an expression of justice and increases the sense of safety on the part of citizens	761	81.2	782	86.9
is an excessive form of interference on the part of the state in respect to personal freedom, lowering the sense of safety on the part of citizens	176	18.8	118	13.1
Total	937	100.0	899	100.0
<i>Difficult to say</i>	124	11.7	101	10.1

Source: Author's own study.

The next question was also presented in more detail in the Ipsos survey and the remaining two others; therefore Tables 2 and 3 present the results only from the former. The task of respondents was to evaluate in two respects three types of crime: economic fraud, cyber fraud and dishonest loans. In the first, respondents had to state whether a more severe form of sentences for these crimes is essential for the effective function of the economy, or indeed is an unjustified limitation of the freedom to conduct a business. In the second, respondents were asked to choose whether more severe sentences for these crimes leads to an increase in the sense of safety on the part of citizens and firms in the workings of the economy or is an excessive form of interference on the part of the state in freedom and civic liberties.

Respondents in the survey conducted by Ipsos to a similar extent related to crimes in the form of economic and cyber fraud. The decided majority (approx. 87%) considered more severe forms of sentences for these crimes as necessary for the effective function of the economy, one that would lead to an increase in the sense of safety of citizens and firms in the workings of the economy.

The greatest support for a more severe form of sentences however, was expressed by respondents in respect to crimes relating to dishonest loans. Almost all those

surveyed (90%) considered that more stringent sentences in this respect are necessary for the effective functioning of the economy, leading to an increase in the sense of safety on the part of citizens and firms in the economy itself.

In the survey conducted by CBOS respondents were asked only in respect to the first aspect, while in the research conducted by Kantar, the second. In both cases there was one question without a breakdown into types of crime⁷. It transpired however, despite the methodological difference, respondent's answers were very similar to those in the Ipsos research. CBOS survey respondents therefore stated (83.7%) that more severe forms of sentences for economic and cyber fraud as well as dishonest loans leads to an increase in the sense of safety on the part of citizens and firms in the economy and those surveyed by Kantar stated that the above is necessary for the effective functioning of the economy because it leads to an increase in the sense of safety in its workings (79%).

Table 2.
Ipsos – More severe sentences for crimes:

	Economic fraud		Cyber fraud		Dishonest loans	
	N	%	N	%	N	%
are essential for the efficient function of the economy	778	86.6	762	87.5	800	90.4
are an unjustified limitation of the freedom to conduct a business	120	13.4	109	12.5	85	9.6
Total	898	100.0	870	100.0	885	100.0
<i>Difficult to say</i>	102	10.2	130	13.0	115	11.5

Source: Author's own study.

Table 3.
Ipsos – Does more severe sentences for crimes:

	Economic fraud		Cyber fraud		Dishonest loans	
	N	%	N	%	N	%
lead to a greater sense of safety on the part of citizens and firms in the workings of the economy	766	86.1	771	87.8	818	91.0
mean an excessive interference on the part of the state in respect to freedom and civic liberties	124	13.9	107	12.2	81	9.0
Total	890	100.0	878	100.0	899	100.0
<i>Difficult to say</i>	110	11.0	122	12.2	101	10.1

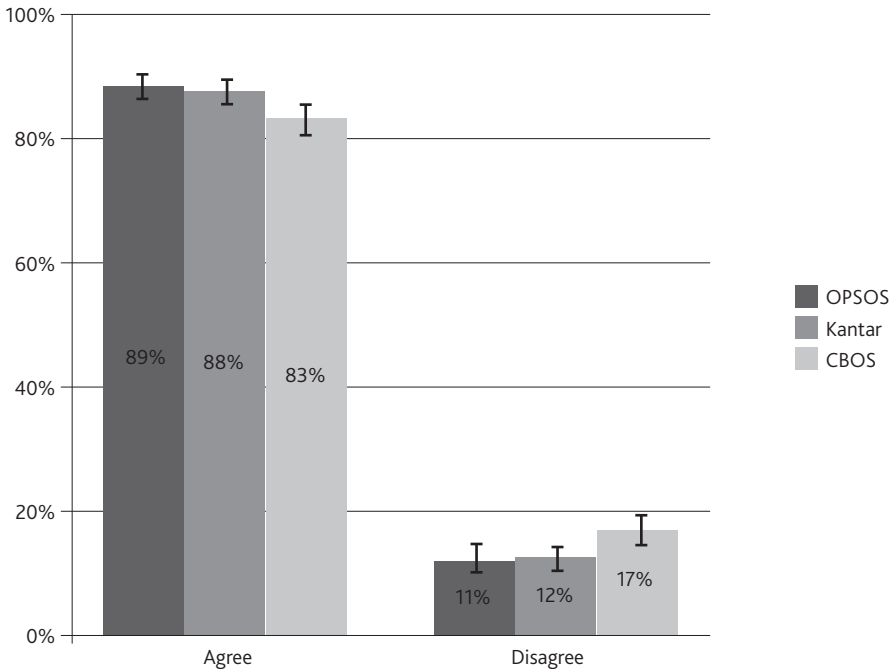
Source: Author's own study.

⁷ The wording read: 'In your opinion, are more severe sentences for crimes such as economic fraud, cyber fraud, dishonest loans...'. Answers in the Kantar survey: *are essential for the efficient function of the economy so as to increase the sense of safety in the workings of the economy/an unjustified limitation of the freedom to conduct the business.* Answers in the case of CBOS: *cause an increase in the sense of safety on the part of citizens and firms in the workings of the economy/are an unjustified limitation of the freedom to conduct a business.*

In the next question respondents were to state whether in the case of aggravated homicide – circumstances were given – those responsible should be liable only to life imprisonment. Regardless of survey (see Chart 3), the decided majority were in favour of narrowing the sentences to the highest form (life imprisonment) in the case of aggravated homicide. Table 3 in the appendix of this report contains the details of respondents' answers.

Chart 3.

Do you agree or not agree that in the case of aggravated homicide the only sentence should be life imprisonment?⁸



Source: Author's own study.

The respondents were then asked to state whether for the seven crimes chosen, sentences should remain as at present, be more lenient or be more severe than at present. In the questions set by Kantar an additional aspect of sentences was given, one foreseen for each of the crimes mentioned in the Penal Code in force at present.

The answers in particular surveys were similar for the majority of crime categories – almost always the majority of those surveyed believed that it is necessary for sentences to be very severe. Regardless of research, the greatest support for a more severe form of criminal responsibility was expressed in relation to crimes of rape. In this context also the lowest percentage of answers was noted for retaining the

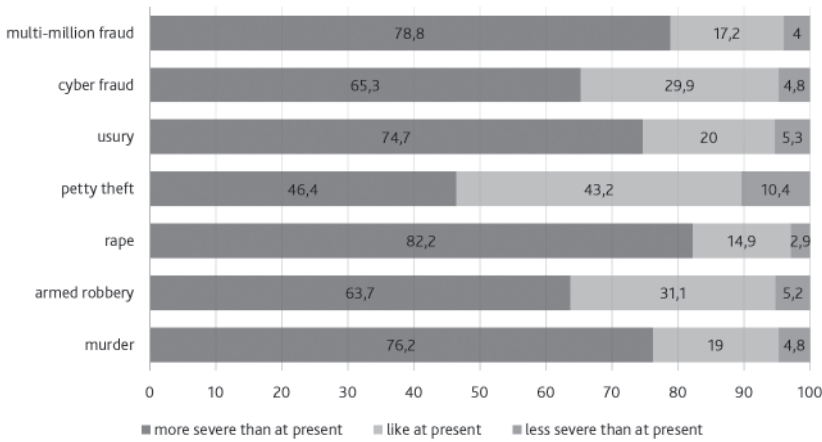
⁸ The precise wording of the question was: *at present for aggravated homicide or taking someone hostage, rape or armed robbery or as a result of murder for motives deserving particular condemnation or killing more than one person in one act the sentence be not less than 12 years imprisonment, up to 25 years imprisonment or life imprisonment. Do you agree or not agree that in the case of this crime the only sentence should be one of life imprisonment?*

possibility of punishing criminals without change or marginally in favour of more lenient sentences than is the case at present.

Respondents on the issue of sentences for petty theft though, gave as an exception, different answers. In the two surveys conducted (Ipsos and CBOS) the majority of surveyed took the position that such sentences should remain as at present. This was the only crime for which a minority of respondents opted for a more severe form of sentence and at the same time, the most in favour of a more lenient form of sentence than presently.

Chart 4.

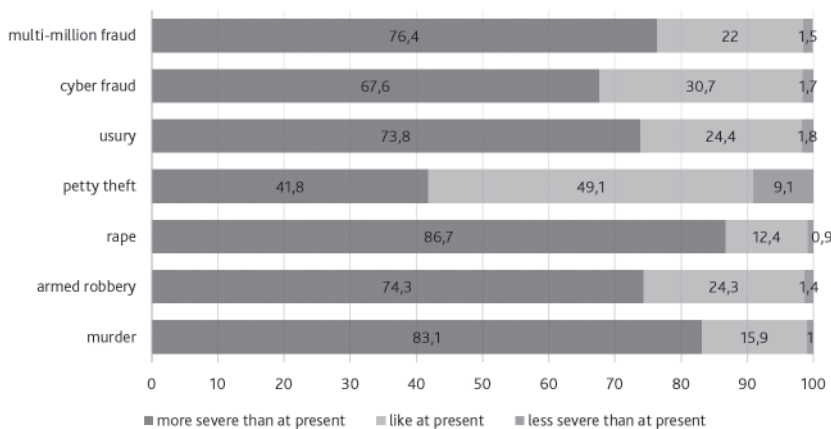
Kantar – attitude to the extent of sentences for particular crimes



Source: Author's own study.

Chart 5.

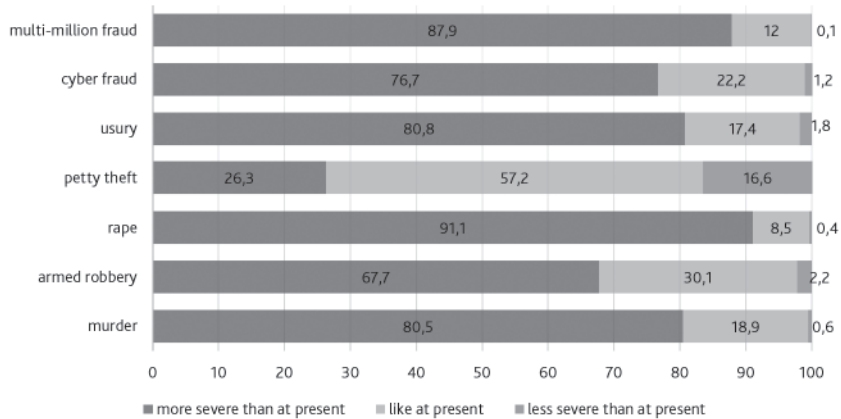
Ipsos – attitude to the extent of sentences for particular crimes



Source: Author's own study.

Chart 6.

CBOS – attitude to the extent of sentences for particular crimes



Source: Author's own study.

Another issue subject to analysis in the surveys was that of a possible change of age from which juvenile criminals of the most serious crimes (murder, assault leading to death) can receive the same sentence as adults.

It was only in the research conducted by Kantar that two questions were set on this subject. The first, where the present age of criminal responsibility for juveniles was given (from 15) and the next that asked whether this should be changed or not. The majority of respondents (78.9%) were of the opinion that the age of criminal responsibility for juveniles should not be changed.

In the second question – this was also set in the remaining two surveys – respondents were asked to state from which age juvenile criminals for the most serious crimes should be responsible the same as adults (with information that 15 is the age in force for juvenile criminal responsibility). The wording of this question was the same in each of the three surveys analysed. Table 4 contains the answers from all three surveys⁹.

In this context the majority of surveyed were in favour of the age of criminal responsibility of juveniles to remain at the present age of 15, with those most decided in this particular issue being the respondents surveyed by Kantar (79%) and the least – those surveyed by CBOS, where 46% were of this opinion.

The remaining respondents were most often in favour of raising the age in this respect to 16 or 17. It should also be noted that several respondents were in favour of raising this age even above the general age limit of criminal responsibility (to 18).

In the next question respondents were presented with the following situation: a 21 year old man, with no prior convictions, takes part in an assault and with the use of a knife is responsible for grievous bodily harm to another person¹⁰. Then

⁹ In the category 'other', in the possible answers indicated by IPOS, there were: 'from 20 years of age' and 'from birth'. Another such in the case of CBOS there were, however: 'sentencing from 20 years of age', 'from the age at which [the perpetrator] committed the crime' as well as making that age dependent on the degree of a given child's development.

¹⁰ In the question set by Kantar: *Please imagine a situation, where a 21-year-old man, with no prior convictions, takes part in a fight and with the use of a knife causes grievous bodily harm to another person. What sentence in your opinion should he receive?*

the surveyed were asked to state what sentence this man should receive. Chart 7 illustrates the answers of respondents.

Table 4.
From what age, in your opinion, juveniles responsible for the most serious crimes (murder, assault leading to death), should be subject to the same sentence as adults (imprisonment)? Please give the relevant age

	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
Less than 13	1	0.1	-	-	7	0.7
From 13	26	2.5	81	9.2	98	10.3
From 14	37	3.6	63	7.2	68	7.1
From 15 (Like at present)	809	78.9	478	54.8	442	46.3
From 16	58	5.7	103	11.8	197	20.7
From 17	80	7.8	143	16.4	128	13.5
From 18	14	1.4	4	0.4	11	1.1
Other	-	-	2	0.2	3	0.3
Total	1025	100.0	874	100.0	954	100.0
<i>Difficult to say</i>	36	3.4	127	12.7	46	4.6

Source: Author's own study.

The majority of those surveyed were in favour of a custodial sentence. Subsequent sentences chosen (in the case of Ipsos and CBOS almost equal) were: suspended sentence and community service/unpaid community work. The answers in the survey conducted by Kantar differ from the other surveys – as much as 25% surveyed chose a sentence of community service, then (16%) a suspended imprisonment. This survey found the largest percentage of those in favour of a fine.

The limited range of sentences proved insufficient for some respondents, who opined that in a given situation it is necessary to apply other means of punishment – among others, being sentenced to hard labour, having a hand cut off as well as the death penalty. In addition, apart from the above mentioned questions, respondents indicated the following forms of punishment:

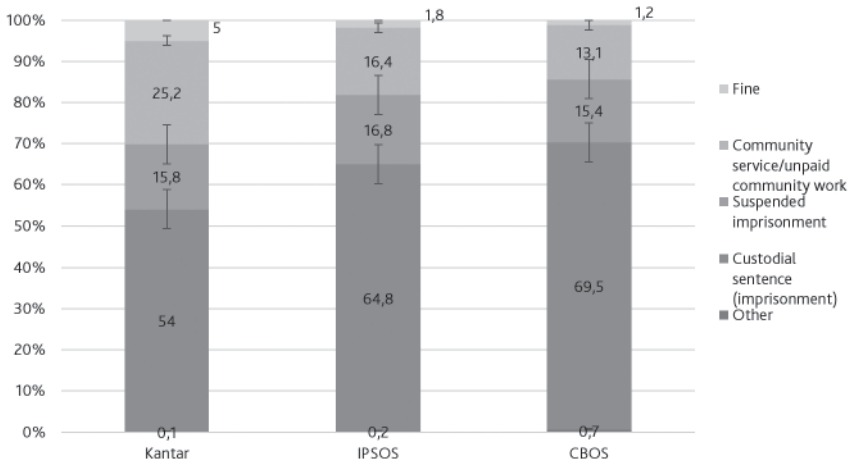
- Kantar: 3 times – reparation for victims, 2 times – sentencing to hard labour ('stone quarry' – as well as imprisonment), 1 time – forced labour in jail (as well as custodial sentence)
- Ipsos: life imprisonment and prison work programmes in a penal Institute
- CBOS: 'imprisonment together with a work programme, thanks to which the prisoner and prison staff are paid for', 'imprisonment and community work, compensation/reparation for the victim', 'life imprisonment'.

Respondents that indicated in the previous question imprisonment as an appropriate sentence were asked to comment further and say how long this should be. Regardless of the survey conducted, respondents most often indicated that the criminal concerned should be imprisoned from 6 to 10 years¹¹.

¹¹ Detailed answers of respondents can be found in Table 12 of the appendix to the report.

Chart 7.

People have different views as to how severely punish criminals. For example, a 21 year old man, with no prior convictions, takes part in an assault and causes serious body injury to another person with a knife. What sentence, in your opinion, should he receive?

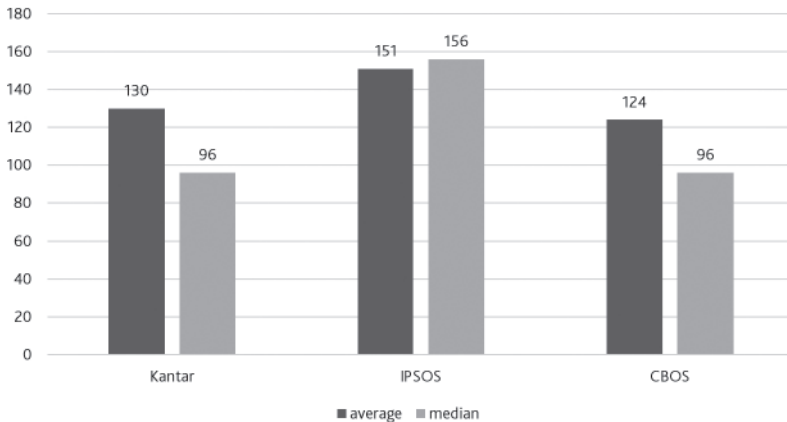


Source: Author's own study.

The respective categories of answers were subsequently converted into numerical values, establishing for each a value equivalent to the number of months and for the respective periods, the number of months constituting the average of this period. Sentences of ‘More than 25 years’ and ‘Life imprisonment’ were transformed into 300 months (25 years). After this conversion it was possible to calculate the average length of a sentence of imprisonment, as defined by respondents for the relevant crime and its perpetrator. The results gained were represented in Chart 8.

Chart 8.

How long should the prison term be? (months)



Source: Author's own study.

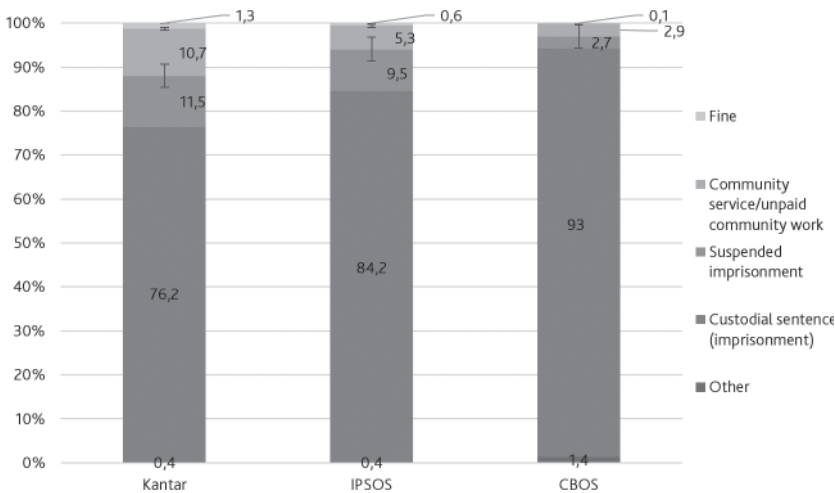
The most severe sentence of imprisonment was meted out by respondents from the Ipsos survey – where the arithmetical average amounted to 151 months (over 12 years), with a median of 156 months (13 years). In the remaining two surveys the results were similar: in Kantar the arithmetical average sentence amounted to 130 months (almost 11 years), with a median of 96 months (8 years), while in CBOS the arithmetical average amounted to 124 months (over 10 years), with a median of 96 months (8 years).

Respondents were then asked what sentence in their opinion, should the same man receive had he already been previously sentenced for a similar crime? On this occasion respondents more often than previously chose a sentence of imprisonment, which clearly dominated the remaining answers.

In respect of the category ‘other’, each survey had at least one response favouring the death penalty. In addition, apart from the above-mentioned sentences, respondents indicated: life imprisonment, forced labour (as well as imprisonment), austere conditions in jail (as well as imprisonment), hard labour (as well as community service) or life-term work for the benefit of the victim.

Chart 9.

What sentence, in your opinion, should the same man receive had he already been previously sentenced for a similar crime?



Source: Author's own study.

As in the previous case, respondents who were in favour of sentencing the man – this time previously sentenced – to custodial sentence, were asked to indicate how long he should spend in prison. In respect to recidivists, respondents decidedly more often were in favour of a more severe sentence. The majority of those surveyed chose a sentence of more than 10 years imprisonment¹². Moreover, the percentage of those opting for ‘meting out’ a sentence of life imprisonment (approximately 50% in every survey, while for perpetrators with no prior convictions the respective percentage amounted to 7% on average).

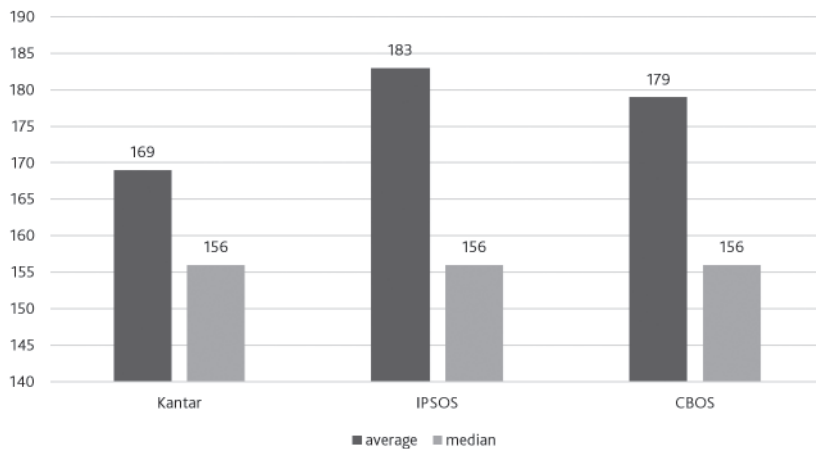
¹² In the case of Kantar this amounted to 56% of answers, Ipsos – 63%, and CBOS – 61%.

Using the same methodology as before, the respective categories of answers were converted into numerical values, establishing for every such value a corresponding number of months. Of particular note in respect to length of sentence for recidivists, respondents in the respective surveys had a far closer point of view. In the surveys conducted by Ipsos and CBOS the average arithmetical ‘sentence’ for recidivists amounted to approximately 15 years and in the Kantar survey – 14. In each of the surveys the median amounted to 156 months (13 years).

It can be said therefore that in respect to ‘sentencing’ a recidivist, respondents were more in accord regarding the length of imprisonment than was the case in regard to the sentence for a perpetrator with no prior convictions.

Chart 10.

How long should the prison term be? (months)



Source: Author's own study.

In two surveys – Ipsos and CBOS – the questionnaire contained additional question which was shaped in a somewhat different way. Respondents in the latter were asked to express their opinion as to whether a criminal previously sentenced a number of times for a similar crime (armed robbery or rape) should be subject to the same upper sentence limit as in the case of individual crimes (as is the case now in Poland), or indeed whether every crime should be summed for previous crimes (as is the case in the USA)¹³.

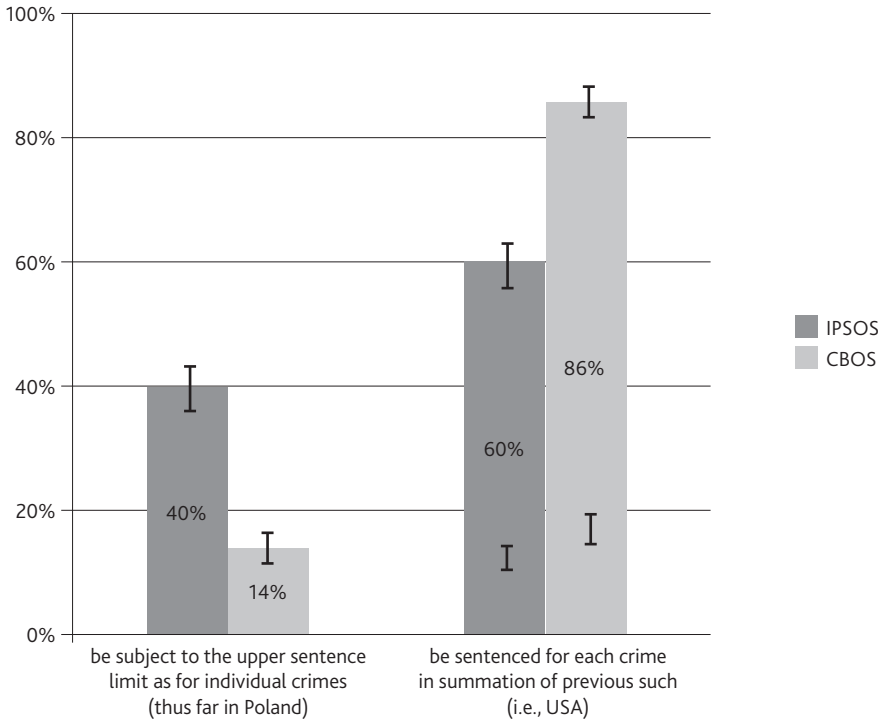
The majority of respondents in both surveys were in favour of introducing a summation sentence. It should be noted however, answers to this particular question differed greatly depending upon the survey concerned. Respondents in the case of CBOS in the decided majority opted for introducing a summation sentence for every crime. Those against represented only every seventh respondent. In the case of Ipsos, despite the fact that the majority of respondents were in favour of a summation sentence, 40% of respondents stated that on this issue there should be no change in Poland. Such large

¹³ This question was changed in the Ipsos survey: ‘a criminal who has committed more than one crime of a similar nature (for example, armed robbery or rape): 1) should be subject to an upper limit sentence as for an individual crime (as at present in Poland), 2) sentences for every crime should be some (as for example in the USA), 3) Difficult to say’.

differences in answers may be associated with different means of formulating questions in both surveys concerned, but is also possible to argue that the very wording the question itself could have been somewhat unclear and incomprehensible for respondents. It is therefore the case most probably that it is not possible to treat the answers gained in both surveys as fully comparable. Public opinion therefore is in favour of a change of Penal Code provisions introducing sentence summation, though it is worthwhile in addition to subject the scale of these attitudes to a more detailed analysis.

Chart 11.

Should criminals previously sentenced many times for a similar crime (i.e. armed robbery or rape):



Source: Author's own study.

4. CONCLUSION

In all the surveys discussed in this study the decided majority of respondents were of the opinion that in order to limit crime and improve the safety of citizens it is necessary to make the provisions of the Penal Code more stringent with more severe sentences for crimes. This was the case for most respondents; for over half of respondents in every survey took the position that sentences should be made more severe only in the case of serious crimes. The remainder (approximately 30% in every survey) answered that is necessary to make sentences more severe for all crimes per se.

Poles agreed with the thesis that making sentences more severe for serious crimes against life, health and personal liberty is an expression of justice and increases the sense of safety on the part of citizens. In practically every instance, the majority of

those surveyed considered that sentences should be more severe than at present in the Penal Code in force. The exception being, petty theft, which in the opinion of Poles does not deserve a more severe sentence.

The decided majority of those surveyed were in favour of narrowing the threat of committing aggravated homicide simply to a sentence of life imprisonment.

In the light of a predilection on the part of the majority for making criminal law tougher, of particular interest was the attitude on the part of Poles in respect to the age from which juveniles just as adults, are seen to be responsible under the law. The majority of respondents were of the opinion that the age of criminal responsibility for juveniles should not be changed (15 years), while those who thought otherwise, most often proposed increasing this limit.

Undoubtedly, the great differences in the results of the three nationwide surveys justify the need to continue research on this particular question. Among others, on account of this at the Institute of Justice there are plans to conduct in 2019 a nation-wide survey – based on a decidedly greater cohort of respondents – that offers a significantly greater precision of measuring instruments. This research therefore shall facilitate the establishment among others, of the scale of victimisation in society, levels of fear of crime, punitive views and social opinions on the functioning of law-enforcement authorities as well as the system of justice itself.

Appendix

Table 1. Do you believe that in order to limit crime and improve the safety of citizens it is necessary to:						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
make the provisions of the penal code tougher with more severe sentences for crimes	613	66.6	681	73.2	534	58.0
consistently execute the present law without making sentences more severe	307	33.4	250	26.8	387	42.0
Total	920	100.0	931	100.0	921	100.0
<i>Difficult to say</i>	141	13.3	69	6.9	79	7.9

Source: Author's own study.

Table 2. Which among the following opinions is the closest to yours?						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
Sentences should be made more severe for all crimes	315	32.4	355	37.9	266	28.0
Sentences should be made more severe only for serious crimes	545	56.0	486	51.8	558	58.8
Sentences should be made more severe only for petty crimes	42	4.3	22	2.3	15	1.6
Sentences should not be made more severe	69	7.1	75	8.0	110	11.6
Total	971	100.0	937	100.0	949	100.0
<i>Difficult to say</i>	90	8.5	63	6.3	51	5.1

Source: Author's own study.

Table 3.

At present, for aggravated homicide or taking someone hostage, rape, armed robbery or as a result of murder for motives deserving particular condemnation or killing more than one person in one act, the sentence is not less than 12 years imprisonment, up to 25 years imprisonment or life imprisonment. Do you agree or not agree that in the case of this crime the only sentence should be one of life imprisonment?

	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
Definitely agree	415	42.2	440	47.8	539	57.0
Rather agree	449	45.7	374	40.7	245	25.9
Rather do not agree	92	9.4	86	9.4	102	10.8
Definitively do not agree	27	2.7	19	2.1	59	6.3
Total	983	100.0	919	100.0	945	100.0
<i>Difficult to say</i>	78	7.4	81	8.1	55	5.5

Source: Author's own study.

Table 4.

In your opinion, those responsible for murder should receive a sentence (underlinings by the authors):

	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
more severe than at present	768	76.2	804	83.1	745	80.5
like at present	192	19.0	154	15.9	175	18.9
less severe than at present	48	4.8	10	1.0	6	0.6
Total	1008	100.0	968	100.0	925	100.0
<i>Difficult to say</i>	53	5.0	32	3.2	75	7.5

Source: Author's own study.

Table 5.

In your opinion, those responsible for armed robbery should receive a sentence:

	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
more severe than at present	634	63.7	715	74.3	603	67.7
like at present	309	31.1	234	24.3	268	30.1
less severe than at present	52	5.2	14	1.4	19	2.2
Total	995	100.0	963	100.0	891	100.0
<i>Difficult to say</i>	66	6.2	37	3.7	109	10.9

Source: Author's own study.

Table 6.

In your opinion, those responsible for rape should receive a sentence:

	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
more severe than at present	829	82.2	844	86.7	864	91.1
like at present	150	14.9	120	12.4	81	8.5
less severe than at present	29	2.9	9	0.9	4	0.4
Total	1008	100.0	972	100.0	949	100.0
<i>Difficult to say</i>	53	5.0	28	2.8	51	5.1

Source: Author's own study.

Table 7. In your opinion, those responsible for petty theft should receive a sentence:						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
more severe than at present	459	46.4	399	41.8	229	26.3
like at present	427	43.2	469	49.1	499	57.1
less severe than at present	103	10.4	87	9.1	145	16.6
Total	989	100.0	955	100.0	872	100.0
<i>Difficult to say</i>	72	6.8	45	4.5	128	12.8

Source: Author's own study.

Table 8. In your opinion, those responsible for usury (companies that lend money, bypassing the law) should receive a sentence:						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
more severe than at present	736	74.7	710	73.8	738	80.8
like at present	197	20.0	234	24.4	159	17.4
less severe than at present	52	5.3	18	1.8	16	1.8
Total	985	100.0	961	100.0	912	100.0
<i>Difficult to say</i>	76	7.2	39	3.9	88	8.8

Source: Author's own study.

Table 9. In your opinion, those responsible for cyber fraud should receive a sentence:						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
more severe than at present	639	65.3	634	67.6	668	76.6
like at present	293	29.9	288	30.7	193	22.2
less severe than at present	47	4.8	16	1.7	10	1.2
Total	979	100.0	938	100.0	871	100.0
<i>Difficult to say</i>	82	7.7	62	6.2	129	12.9

Source: Author's own study.

Table 10. In your opinion, those responsible for multi-million fraud should receive a sentence:						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
more severe than at present	786	78.8	733	76.5	809	87.9
like at present	171	17.2	211	22.0	110	12.0
less severe than at present	40	4.0	15	1.5	1	0.1
Total	997	100.0	959	100.0	920	100.0
<i>Difficult to say</i>	64	6.0	41	4.1	80	8.0

Source: Author's own study.

Table 11.

There are various views on how severe a sentence should be for criminals. For example, a 21 year old man, with no prior convictions, takes part in an assault and with the use of a knife is responsible for grievous bodily harm to another person. What sentence in your opinion should he receive?

	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
Fine	48	5.0	18	1.8	12	1.2
Community service/unpaid community work	243	25.2	163	16.4	123	13.1
Suspended sentence	152	15.8	167	16.8	145	15.4
Custodial sentence (imprisonment)	521	53.9	644	64.8	650	69.6
Other	1	0.1	2	0.2	7	0.7
Total	965	100.0	1000	100.0	936	100
<i>Difficult to say</i>	96	9.0	6	0.6	64	6.4

Source: Author's own study.

Table 12.

In your opinion, what should the prison sentence be (in the case of no prior convictions)?

	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
One month or less	-	-	-	-	-	-
Two to six months	2	0.5	1	0.2	2	0.4
Seven to eleven months	2	0.5	5	0.9	5	0.9
One year	19	4.4	20	3.9	25	4.6
Two years	17	4.0	30	5.9	31	5.7
Three years	24	5.6	14	2.8	46	8.5
Four years	15	3.5	23	4.5	22	4
Five years	72	16.8	66	12.8	88	16.1
Six to ten years	122	28.3	95	18.6	122	22.3
11–15 years	44	10.3	76	14.8	70	12.9
16–20 years	27	6.3	46	9.0	37	6.8
21–25 years	27	6.3	55	10.8	49	9
More than 25 years	21	4.9	43	8.4	19	3.6
Life imprisonment	37	8.6	38	7.4	28	5.2
Total	429	100.0	512	100.0	543	100.0
<i>Difficult to say</i>	188		132		103	
Not relevant (other sentences indicated)	444		356		354	

Source: Author's own study.

Table 13. What sentence in your opinion, should the same man receive, had he already been previously sentenced for a similar crime?						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
Fine	13	1.3	6	0.6	1	0.1
Community service/unpaid community work	106	10.7	53	5.3	28	2.9
A suspended sentence	114	11.5	95	9.5	26	2.7
Custodial sentence (imprisonment)	757	76.1	840	84.2	903	92.9
Other	4	0.4	4	0.4	14	1.4
Total	994	100.0	1000	100.0	972	100.0
<i>Difficult to say</i>	67	6.3	2	0.2	28	2.8

Source: Author's own study.

Table 14. How long in your opinion, should a prison sentence be (for those previously sentenced)?						
	Kantar		Ipsos		CBOS	
	N	%	N	%	N	%
One month or less					0	0
Two to six months	0	0.0	2	0.3	3	0.3
Seven to eleven months	4	0.6	1	0.1	5	0.7
One year	10	1.6	9	1.3	8	1.0
Two years	28	4.3	19	2.8	26	3.3
Three years	32	5.0	36	5.2	24	3.1
Four years	14	2.2	23	3.3	9	1.2
Five years	64	9.9	60	8.7	74	9.3
Six to ten years	131	20.4	107	15.3	155	19.6
11–15 years	86	13.3	99	14.3	118	15.0
16–20 years	59	9.1	61	8.8	69	8.7
21–25 years	65	10.1	75	10.8	114	14.4
More than 25 years	55	8.5	85	12.2	60	7.6
Life imprisonment	97	15.0	118	17.0	124	15.8
Total	645	100.0	696	100.0	790	100.0
<i>Difficult to say</i>	179		144		113	
Not relevant (other sentences indicated)	237		160		97	

Source: Author's own study.

Table 15.

Those sentenced previously a number of times for a similar crime (ie. armed robbery or rape):

	Ipsos		CBOS	
	N	%	N	%
should be subject to the same upper limit as for individual crimes (as is the case at present in Poland)	353	40.5	124	13.7
The sentence for each crime should be summed (as in the USA)	519	59.5	776	86.3
Total	872	100.0	900	100.0
<i>Difficult to say</i>	128	12.8	100	10.0

Source: Author's own study.

Abstract

Andrzej Siemaszko, Paweł Ostaszewski, Joanna Klimczak,
Attitudes to Punishment. The Results of Three Surveys

In public debate the subject of penal policy often returns on the extent of sentences for particular crimes and petty offences. Questions are raised such as whether the Polish criminal law is effective, just and/or severe. The discussion focuses on the need to make the existing provisions stricter, especially those concerning the most frequent crimes. The general question of punishing perpetrators of offences is regularly undertaken in the media, especially with every subsequent criminal case that receives extensive coverage. One such occasions the same question is raised again: does the criminal law need amendments?

Today we are witness to a crime drop and improvement of safety in Poland, nonetheless questions to do with penal policy remain the same. It is therefore worth checking what opinions Poles currently express about this very issue. This research is aimed at checking what Poles think of the criminal law currently in force and what the attitude is to increasing the severity of punitive provisions. For this purpose, in July and August 2018, on the commission of the Institute of Justice, three independent opinion surveys concerning penal policy were conducted. The following were chosen for this purpose: Kantar, CBOS and Ipsos. Every survey was conducted by means of the Omnibus Method, which guarantees the completion of research on a nationwide representative sample of Polish residents.

In all the surveys discussed in this study, a clear majority of respondents were of the opinion that in order to limit crime and improve the safety of citizens it is necessary to make the provisions of the Penal Code stricter, with harsher punishments for offences. Over half of respondents in every survey took the position that punishments should be made more severe only in cases of serious offences. The remainder (approximately 30% in every survey) answered that was necessary to introduce more severe punishments for all crimes.

In the light of a preference for tougher penal laws, of particular interest was Poles' stance on the age from which juveniles might be held criminally liable just as adults. The majority of respondents were of the opinion that the age of criminal responsibility for juveniles (15 years) should not be changed, while those who thought otherwise most often suggested increasing this threshold.

Keywords: *penal policy, crime, punitivity*

Streszczenie

Andrzej Siemaszko, Paweł Ostaszewski, Joanna Klimczak,
Postawy wobec kary.
 Wyniki trzech sondaży opinii publicznej

W debacie publicznej często powraca temat polityki kryminalnej i wymiarów kar za poszczególne przestępstwa i wykroczenia. Padają m.in. pytania o to, czy polskie prawo karne jest efektywne, sprawiedliwe czyli surowe. Dyskutowana jest np. potrzeba zaostrzenia obecnych przepisów, szczególnie tych za najcięższe przestępstwa. Problematyka karania sprawców przestępstw podejmowana jest regularnie w mediach właściwie przy każdej kolejnej „głośniejszej” sprawie przestępstwa. Odnawia się przy tej okazji niezmiennie pytanie o potrzebę ewentualnych zmian w prawie karnym.

Dzisiaj jesteśmy świadkami spadku przestępczości i poprawy bezpieczeństwa w Polsce, jednakże pytania o politykę kryminalną pozostają te same. Dlatego warto sprawdzić, jak kształtują się aktualnie opinie Polaków w tej kwestii. Niniejsze badanie miało na celu sprawdzenie co na temat obecnie funkcjonującego prawa karnego sądzą Polacy i jaki jest ich stosunek do zaostrzenia przepisów karnych. Dla realizacji tego celu, w lipcu i sierpniu 2018 r. na zlecenie Instytutu Wymiaru Sprawiedliwości zostały przeprowadzone trzy niezależne sondaże opinii publicznej dotyczące polityki karnej.

We wszystkich omawianych w niniejszym opracowaniu sondażach zdecydowana większość respondentów opowiedziała się za tym, że aby ograniczyć przestępczość i poprawić bezpieczeństwo obywateli należy zaostrzyć przepisy prawa karnego i surowiej karać za przestępstwa. Najwięcej, bo ponad połowa respondentów w każdym badaniu, zajęła stanowisko, że należy zaostrzyć kary jedynie za poważne przestępstwa. Pozostali ankietowani (ok. 30% w każdym badaniu) odpowiedzieli, że należy zaostrzyć kary za wszystkie przestępstwa.

Przy przeważającej skłonności do zaostrzania prawa karnego interesujące było stanowisko Polaków wobec wieku, od którego nieletni odpowiadają karnie tak jak dorośli. Większość respondentów było zdania, że wiek odpowiedzialności karnej nieletnich nie powinien się zmieniać (15 lat), a ci którzy byli innego zdania, najczęściej proponowali podwyższenie tej granicy.

Słowa kluczowe: polityka kryminalna, przestępczość, punitywność

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