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Sandy Jung, Heather Ahn-Redding, and Meredith Allison

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Crimes and Punishment: Understanding of the Criminal Code

Sandy Jung, Ph.D.

Associate Professor, MacEwan University

Heather Ahn-Redding, Ph.D.

Associate Professor, High Point University

Meredith Allison, Ph.D.

Associate Professor, Elon University

* Please direct correspondence to Sandy Jung, Department of Psychology, MacEwan University, P.O. Box 1796, Edmonton, AB T5J 2P2; e-mail sandy.jung@macewan.ca

Notre société s'attend à ce que nous connaissions le Code criminel, et ce, pour de nombreuses raisons comme dissuader les citoyens à commettre un acte criminel et s'assurer que les gens prennent les bonnes décisions quand vient le temps d'appuyer des changements au système de justice pénale. Cette étude a sondé 301 étudiants de premier cycle au sujet de leurs connaissances du Code criminel et des peines associées. Nos résultats indiquent que les participants avaient correctement défini le vol et l'âge légal pour consommer et identifié les scénarios représentant des infractions criminelles, mais ils étaient moins capables d'indiquer le taux légal d'alcoolémie au volant, la conduite dangereuse, les contacts sexuels et les agressions sexuelles graves. En ce qui concerne la détermination de la peine, les participants n'étaient pas uniformément corrects. Ils avaient aussi tendance à exagérer la possibilité de récidive particulièrement concernant les actes violents et sexuels. Une exposition antérieure au système de justice pénale ne semble pas avoir de lien avec leur connaissance de la détermination de la peine ou de leurs estimations en matière de récidivisme. Les résultats identifient des lacunes dans

les connaissances des jeunes concernant la définition légale de crimes et leurs punitions et dévoilent le besoin de trouver des moyens novateurs pour éduquer les jeunes adultes en matière du Code criminel.

Mots clés : code criminel, détermination de la peine, connaissance, jeunes adultes

Knowledge about criminal laws is expected in our society. There are many important reasons why accurate knowledge should be expected, such as deterring citizens from engaging in illegal conduct and ensuring that people are making sound decisions about supporting or not supporting changes in the criminal justice system. This study surveyed 301 undergraduate students about their knowledge of criminal laws and the associated sentences. Our results indicate that participants were accurate in defining theft and the ages for legal use of substances and in identifying whether specific scenarios describe acts considered sexual offences, but less able to define the blood alcohol level for impaired driving, dangerous driving, sexual interference, or aggravated sexual assault. With regards to sentencing dispositions, participants were not consistently accurate. They also tended to inflate the likelihood of reoffending in general, particularly violent and sexual offending. Prior exposure to the criminal justice system did not seem to be associated with crime and sentencing knowledge or recidivism estimations. Our findings identify areas where young adults are unaware of legal definitions of crimes and their punishments and point out the need to find innovative ways to educate young adults on the Criminal Code.

Keywords: Criminal Code, sentencing, knowledge, young adults

Judicial and political systems are often documented as the institutions or bodies that propel changes in our laws. However, the public outcry for reforming existing laws is often the springboard for these systems to initiate such changes. Intuitively, this is prudent, given that our laws govern a particular society, and its citizens have a right to influence changes in them. The difficulty lies in whether citizens have an accurate understanding of the laws that govern them. Of particular interest are the laws that maintain order – specifically, the Criminal Code of Canada. Not only is it important that citizens have accurate knowledge to challenge laws or initiate reforms, but also, laws have a denunciatory function and act as a deterrent to engaging in

crime. Unlike in many other countries, in Canada, there is a single criminal code that governs the entire nation (for all 10 provinces and 3 territories). Canada's Criminal Code was developed to effectively provide every offence with a corresponding range of sanctions. Therefore, it is critical for citizens not only to be knowledgeable about what constitutes a criminal act but also to be aware of the penalty associated with that act.

The existing literature is limited in its examination of public knowledge of criminal justice and legal information. The few studies that exist seem to provide a consistent picture that reveals limited crime knowledge. For example, Roberts and Stalans (1998) note, from a governmental report, that 90% of Ohio residents who were surveyed were unaware of an alteration in drug laws as a consequence of recently passed legislation. In a Canadian study by Roberts, Grossman, and Gebotys (1996), Canadians were surveyed about their knowledge of a rape law reform in Canada that was implemented in 1983. Canadians were mostly unfamiliar with this popular, well-publicized reform, and this lack of familiarity was found to correspond with education level, suggesting that with more education, there was greater familiarity with the law reform. In the same study, participants were questioned about their knowledge regarding the Young Offenders Act (YOA) – which has since changed to the Youth Criminal Justice Act (YCJA) – and found that participants were also unfamiliar with the YOA. These few studies suggest that public knowledge of criminal laws may be relatively poor. It is notable that there has been little research examining undergraduate students' awareness of the Criminal Code and of what constitutes criminal behaviour as defined by the Code.

Furthering our understanding of the public's knowledge of criminal acts, Allen (2008) concluded from his review of the literature that people tend to support both rehabilitation and punishment. Yet, other empirical studies have noted that the public often has complex beliefs

about rehabilitation and incarceration, and it appears that there is greater support for sentencing practices that promote a sense of responsibility in the offender and ensure reparation for the victim than for sentencing practices that serve the purposes of deterrence (e.g., Cook and Lane 2009; Roberts, Crutcher, and Verbrugge 2007). The scant research on sentencing knowledge suggests that, in addition to unfamiliarity with the offences listed in the Criminal Code, the public also has limited knowledge of sentencing for these offences. Roberts et al. (2007) found that their participants were unable to name any of the 31 offences in Canada that have mandatory sentencing. Compared to the literature on crime knowledge, there is a much larger body of empirical literature that investigates public perceptions of sentencing. In the same study by Roberts et al. (2007), their survey of almost 4,000 Canadians revealed that sentencing practices were seen as too lenient. Perhaps the perceptions that sentencing tends to be lenient may be due to a lack of knowledge regarding which offences carry mandatory minimum sentences (at the time of the study, there were 31 offences that had minimum penalties). Roberts et al.'s findings parallel those of Hough and Roberts (1999), in their poll of British citizens, where it was found that they underestimated the severity of punishments handed out by the criminal justice system. Velazquez and Lincoln (2009) also found that when Australian citizens were asked to choose a sentence for several different crimes their sentencing was more punitive for violent and sexual crimes than other crimes, with imprisonment being the most suggested penalty. Interestingly, despite public dissatisfaction with sentencing practices, it appears that members of the public generally agree with the type of disposition often given in cases. For example, in a study by St. Amand and Zamble (2001), where members of the public were asked to choose an appropriate disposition for a specific hypothetical scenario, participants tended to choose somewhat larger fines and longer jail terms than those represented as "accurate" sentences (i.e., consistent with

what was found in actual cases), but these decisions were not excessively beyond what was considered typical dispositions for such cases. Hence, the public will often choose dispositions that are similar to current judicial sentencing practices.

Perhaps exposing students to some formative education on criminal justice or some experience in the field, whether as consumers or as passive affiliates, may have some impact on increasing knowledge. Kelley and Stack's (1997) study provides some preliminary results, suggesting that criminal justice courses may increase general crime knowledge. In their study, a standardized test in criminal justice was administered to graduating criminal justice majors and to students who were enrolled in an introductory criminal justice class. They found a significant difference favouring graduating seniors over introductory students. In a study by Lambert and Clarke (2004), college students majoring in criminal justice studies were surveyed, and their knowledge was compared with that of students who were majoring in other, unrelated disciplines. The results indicated that, although there was a statistically significant difference in knowledge of crime and death penalty issues between the two groups of students, the difference only favoured the criminal justice students over the other students on a third of the knowledge measures, and no differences were noted on the other two thirds of the issues. Nonetheless, despite the methodological limitations of these studies (e.g., not controlling for age, not accounting for classroom attendance), there appear to be potential benefits from enrolment and coursework in relevant programs to increase knowledge of crime and sentencing.

Another contributor to punitive approaches and unsatisfactory views of the criminal justice system may be the tendency to overestimate crime. Research that has examined the accuracy of the public in estimating crime statistics has consistently found that the public tends to give estimates well above reported trends and numbers. An early study examining citizens'

ability to estimate recidivism rates for crimes that involve property, person, and sex offences showed consistent overestimations (Roberts and White 1986). A more recent study, by Mitchell and Roberts (2012), examined the public's knowledge of murder trends in England and Wales. They found that only 5% of their sample provided an accurate depiction of the murder trend (i.e., in this study, the number of murders in the country had declined slightly) and about a third offered an accurate representation of the country's homicide rate when asked to compare it with other European nations. In fact, it is a common finding that the public, including undergraduate students, provides more bleak estimates about crime than are justified. Vandiver and Giacopassi (1997; also, Giacopassi and Vandiver 1999) found that over 70% of students in introductory classes and over 40% of senior students tended to grossly overestimate the number of homicides that occur in the US (i.e., they estimated over 100,000, although the actual number, in 1994, was 23,305 homicides). There is also a consistent finding indicating that the public overestimates reoffending rates of those charged or convicted of crimes in general by large margins. For example, Levenson, Brannon, Fortney, and Baker (2007) surveyed residents in Florida and found that there was a consistency in their views of sexual offenders as a homogeneous group with regards to risk and in their estimate of how many would reoffend (i.e., mean recidivism was estimated at 74%, although most studies indicate that the actual overall recidivism rate is less than 30%). Much of this literature has focused on surveys of general crime and of the specific crimes of murder and sex offending.

The present study investigates the knowledge levels of young adult Canadians regarding the definition of certain criminal acts and their associated sentences, according to the Criminal Code of Canada. Although much of the research has focused on perceptions of the law and the criminal justice system, it was deemed important to assess young adults' knowledge before

examining their perceptions. Hence, the present study focuses solely on knowledge of crimes and punishments. Using a sample from undergraduate students enrolled at a post-secondary institution in western Canada, we hoped that this would represent young adults in their late teens and early 20s. Indirectly, this inquiry also examines the strength of the deterrent powers of the law and punishments laid out in the Criminal Code of Canada, because it would be expected that, in order for deterrence to be effective, the public would need to be aware of what constitutes criminal behaviour and of what the penalties are for engaging in such behaviour. It was expected that most undergraduate students would be familiar with most criminal behaviours but not necessarily the sanctions associated with these crimes. It was also predicted that gender differences would be found in their knowledge of crimes and their respective punishments and in their estimates of the likelihood of reoffending behaviour, in light of past research that suggests that male students have higher achievement scores than females in criminal justice tests (Kelley and Stack 1997). Differences were also expected that favoured those who had had some dealing with or exposure to the criminal justice system over those who had not had such exposure (Kelley and Stack 1997). Similar to past research on public perceptions of crime, it was expected that most individuals would over-estimate the potential risk for reoffending by offenders, regardless of the type of crime.

Method

Participants

Three-hundred-and-one student participants were recruited from a mid-size Canadian undergraduate university from 2009 to 2010. Undergraduate students who were enrolled in

introductory psychology classes signed up through an online computer recruitment program and were given a small percentage toward their course grade. The average age of the participants was 20.3 years ($SD = 4.23$, ranging from 17 to 50 years old). The majority of people in the sample identified themselves as white (81.3%; $n = 239$), female (69.4%; $n = 209$), and in their first year of university ($M = 1.37$ years; $SD = 0.64$, ranging from year 1 to 4). Almost all of the participants were permanent residents of Canada, with only 1.7% who were foreign students. We also asked about the participants' home province because some of the answers to our questions depended on knowledge of legal age for consuming alcohol, and this varies by province. Most of the participants (93%, $n = 280$) indicated that they were from Alberta and lived in that province full-time. When asked about their prior exposure to the criminal justice system, 15.3% reported that they were currently enrolled in criminal law or criminal justice classes or had taken them in the past, 23.6% reported that they had either been arrested or convicted of illegal behaviour, and 12.3% indicated that either they (or a close family member) had been employed in the legal/criminal justice system.

Measures

For this study, a questionnaire was created to ask about participants' knowledge of criminal offences and possible sentences for such offences. There were three parts of the questionnaire that were relevant to this study. First, participants were asked for personal information that included their age, gender, home province, undergraduate year, and whether they were from Canada.

The second part of the questionnaire was open-ended and participants were asked to define (using their knowledge of the Criminal Code) four general crime terms and to respond to

multi-part questions about eight Criminal Code offences. To code the participants' responses, a detailed coding key was created, using definitions and sentencing guidelines outlined in the Criminal Code of Canada (Department of Justice Canada 2009). Acceptable responses for each item were outlined in the coding key (which is available, along with the full questionnaire, upon request from the first author). The scoring of each item included five possible categories as follows: 0 = *incorrect*, 1 = *partially correct*, 2 = *correct*, 8 = "*I don't know*" response, and 9 = *left blank*. Prototypical responses for these categories may be represented by the following example using *sexual interference*, which was defined as "[e]very person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years" (Criminal Code, s 151):

- Incorrect: *interfering with people having sex*
- Partially correct: *touching someone who does not want to be touched*
- Correct: *sexually touching a kid*

The general crime terms included indictable offence, robbery, theft, and burglary. The first term was chosen because many of the offences in the Criminal Code have separate penalties for more severe offences, which are called *indictable offences* and which are defined as more serious than *summary offences*, so that the government can opt to cause a trial by a more formal process than by summary process. Robbery is the second most common violent crime committed in Canada (assault is the most common, but would be separated into specific offence types in the next section), and burglary and theft are among the top three common offences committed (mischief is also common but quite varied in terms of what behaviours constitute a mischief offence) (Statistics Canada 2013).

Specific Criminal Code offences were included and contained multi-part questions. For seven of these specific terms (i.e., under-age alcohol use, impaired driving, under-age tobacco use, dangerous operation of a vehicle, illegal possession of weapon, sexual assault, aggravated sexual assault), participants were asked about (a) their knowledge of the crime (e.g., In Alberta, what is the legal age for alcohol use? What constitutes dangerous operation of a motor vehicle in Alberta?), (b) the possible punishments for each specific crime if the individual committed the crime for the first time (e.g., What is a possible punishment for a first time offence?). For the crime of sexual interference, as defined earlier, there were additional questions regarding age of consent (What is the age of consent for sexual intercourse in Alberta?) and participants were given four specific scenarios and were asked if the actions described were considered illegal: (1) Male A (26 years old) is engaging in vaginal intercourse with Female B (15 years old); (2) Male A (18 years old) is engaging in vaginal intercourse with Female B (16 years old); (3) Male A (20 years old) is engaging in vaginal intercourse with Female B (15 years old); (4) Female A (20 years old) is engaging in vaginal intercourse with Male B (15 years old). We chose a sampling of the more common violent, property, and traffic criminal acts in Canada (e.g., assault, sexual crimes, cannabis possession) (Statistics Canada 2013) and less commonly reported crimes that would be more relevant to young adults (e.g., under-age alcohol use, dangerous driving).

The third part of the questionnaire asked participants to estimate what percentage of offenders would commit a similar crime again. More specifically, they were asked to provide reoffending rates (i.e., recidivism estimates) for three types of offences – namely, sexual offences, domestic abuse, and burglary—and for crime in general.

Procedure

The present research was reviewed and approved by an institutional research ethics board before the study began. Undergraduate participants were recruited through an online research participation pool and were given course credit for their participation in the study. Participants attended in-person sessions lasting no more than an hour. In these sessions, participants were asked to read a consent form, and then instructions were read aloud to all participants by a research assistant to ensure they were informed of the nature of the study. Following the participants' consent to participate, they were given the questionnaire booklet. Because participants finished their questionnaires at different times, a written debriefing form was provided to inform participants of the intent of this research as well as any relevant contact information.

The participants' responses were coded by three raters, using a detailed coding key, based on the definitions from the Criminal Code. To ensure reliability of the coding, 30 questionnaires were independently coded by two raters to calculate inter-rater reliability. Given that inferences were confined to two specific raters, a two-way mixed model with measures of consistency was used in the calculation of the intraclass correlation coefficient (*ICC*). Exact percentage agreement fell between 46% to 100%, with *ICCs* ranging between 0.616 to 1.000, and only one item falling below 0.75 (i.e., punishment for illegal use of alcohol, *ICC* = 0.616). Percentages estimated by participants for Part 3 (i.e., recidivism estimates) were directly entered into the database and analysed.

Results

In the first section, descriptive information on the percentage of participants who gave partly and fully accurate definitions of each crime and appropriate sentencing is provided.. The

second section examines any differences in crime knowledge accuracy based on gender and previous exposure to the legal system, for both definitions and sentencing outcomes. The final section examines the recidivism estimates given by participants and any differences based on gender and previous exposure to the legal system.

Defining crimes and associated punishments

Crime definitions

Accuracy of defining four general crime terms was examined; these terms were indictable offence, robbery, theft, and burglary. The percentages of correct, partially correct, and incorrect responses are listed in **Table 1**. The pattern of percentage correct, partially correct, and incorrect reveals that participants were most accurate in defining theft (i.e., takes property belonging to another with the intention of depriving the owner of it either permanently [or temporarily]; adapted from Criminal Code, s 322) and second in defining burglary (i.e., “breaks and enters a place with intent to commit ... [a serious] offence”; Criminal Code, s 348). Although almost everyone provided at least a partially correct definition for robbery (i.e., steals, and for the purpose of extorting whatever is stolen, uses violence or threats of violence to a person or property; or assaults any person with intent to steal from him; or steals from any person while armed with an offensive weapon or imitation thereof; adapted from Criminal Code, s 343), only 20.9% of the sample correctly defined it. Only 4% correctly defined indictable offence (i.e., a more serious charge than a summary offence; Minister of Justice and Attorney General of Canada, 2008), with 37.5% who were partially correct in their definition. Over 40% of participants left the question blank or stated that they did not know what it meant.

[Insert table 1 about here]

Criminal Code definitions

Respondents' definitions for specific crimes, as defined by the Criminal Code of Canada were examined; the percentages of correct responses are listed in [Table 1](#). Almost all of the undergraduate students correctly provided the legal age for alcohol use (i.e., 18 years, Gaming and Liquor Act, s 87; 98.3% correct) and for tobacco use (i.e., 18 years; 93.7% correct), while 47.2% correctly identified the blood alcohol level in Alberta (i.e., 0.08 or over 80 milligrams of alcohol in 100 mL of blood; Criminal Code, s 253; note – this has since changed to 0.05 BAL as of July 2012). Also, a large proportion of students correctly defined what constitutes the crime of carrying a concealed weapon (i.e., “knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife ... or any weapon, other than a firearm, that is prescribed to be a prohibited weapon”; Criminal Code, s 84.1).

Regarding sexual offending, only a little over half of the sample correctly identified the age of consent (i.e., 16 years; 56.8% correct), and only 8.6% defined sexual interference correctly (i.e., “for sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years”; Criminal Code, s 151). In fact, almost half of our sample either stated they did not know or left the question blank. When asked about sexual assault (i.e., an assault that is committed in circumstances of a sexual nature, without the victim's consent; Criminal Code, s 271), most students (82%) correctly or, at minimum, were partially correct in defining the offence. Fewer gave correct or partially correct definitions of aggravated sexual assault (i.e., in the commission of “a sexual assault, wounds, maims, disfigures or endangers the life of the [victim]”; Criminal Code, s 273.1). Responses,

such as “unwanted sexual attention” or “a guy grabbing a girl’s butt,” would be deemed incorrect.

In addition to asking for a general definition of sexual interference, four specific scenarios were presented, and participants were asked whether what happened in the scenario would be deemed illegal or legal in nature (i.e., it is illegal for adults in Canada to have sex with a partner under the age of 16, but the law includes a close-in-age exception; Criminal Code, s 150.1 (2)). For the first scenario, where a 26-year-old male had sexual relations with a 15-year-old female, almost all of the students (91.4%) recognized this as an illegal act of sexual offending. For the second scenario, where an 18-year-old male and a 16-year-old female had sex, most students viewed this correctly as a legal, non-criminal behaviour (80.4%). For the third and fourth scenarios, most students correctly identified that sex between a 20-year-old male and a 15-year-old female (84.1%) and between a 15-year-old male and a 20-year-old female (82.7%) are criminal acts.

Punishments for Criminal Code crimes

In addition to defining Criminal Code offences, we also examined whether students could provide accurate information about the sentencing associated with each offence and found that accuracy varied depending on the crime. **Table 2** lists the percentages of correct, partially correct, and incorrect responses for sentencing knowledge.

[Insert Table 2 about here]

Regarding alcohol-related crimes, most of the participants, at minimum, were partially correct in identifying possible sentences. Eighty-five percent of the sample identified possible punishments for under-age drinking (i.e., liable to a fine of not more than \$10,000 or to

imprisonment for not more than 6 months, or to both the fine and imprisonment; see relevant sections under which a youth would be charged – Criminal Code, s 83(1), s 175, s 253, s 255, or 403), and 96% were able to give an at least partially correct punishment for impaired driving (i.e., liable to a fine of not less than \$1,000, to imprisonment for a term not exceeding five years as an indictable offence, or to imprisonment for a term of not more than 18 months as a summary offence; Criminal Code, s 253). Almost 85% of the participants identified possible punishments for under-age smoking (i.e., liable to a fine of not more than \$100; Prevention of Youth Tobacco Use Act). Ninety-three percent of participants were fully or partly correct in identifying punishments for dangerous driving (i.e., liable to imprisonment for a term not exceeding five years, a fine, probation, or a conditional sentence order; Criminal Code, s 249). For the sentencing of those who carried concealed weapons, a large proportion were fully correct (63.5%) while another 20% were partly correct (i.e., liable to imprisonment for a term not exceeding five years, a fine, probation, or a conditional sentence order; Criminal Code, s 90).

When examining sexual offences, 49% to 60% of the sample were able to provide accurate possible punishments for the three actual cases of sexual interference (i.e., liable to imprisonment for a term not exceeding 10 years; Criminal Code, s 151), but over 20% were incorrect in their sentencing knowledge for sexual interference. Participants were most accurate at fully identifying possible punishments for sexual assault (66.4%; i.e., liable to imprisonment for a term not exceeding 10 years; Criminal Code, s 271) and aggravated sexual assault (74.1%; i.e., liable to imprisonment for life and to a minimum punishment of imprisonment for 4 years; Criminal Code, s 273).

Differences in crime knowledge based on gender and criminal justice exposure

To examine differences based on gender and the participants' past or current legal involvement, chi-square values were calculated. In our analyses of crime knowledge (i.e., crime definitions and Criminal Code offences), when there were three categories, broken into *correct*, *partially correct*, and *incorrect* responses, the latter two categories were collapsed into a single category (hence, the number of correct responses was compared to partially correct/incorrect responses). The only exception was in examining the data for the term "indictable offence," where we collapsed the correct and partially correct responses. This was due to the frequency with which responses fell into each category (e.g., with only 4% correctly defining "indictable offence," it made more sense to collapse the correct category with the partially correct category) to ensure we met the chi-square assumptions for expected frequencies.

The only significant finding that emerged in our inferential analyses was for gender and the term *indictable offence*. Specifically, we found that there were differences between males and females in their correctness in defining the term and also in whether they acknowledged that they did not know the definition ($\chi^2(1) = 4.9, p < 0.05$). Although most males and females were at least partially correct in their definition of indictable offence, there was a significantly greater proportion of males (79.7%) than females (63.8%) who were correct. No other gender differences were noted for both crime definitions or sentencing. It was notable that 44.5% of females either left their response to this question blank or indicated 'I don't know' compared to 30.4% of males.

Despite our prediction that exposure to the legal system would lead to greater crime and sentencing knowledge, this hypothesis was not supported. No significant differences were found with regards to participants' exposure to the legal system (i.e., whether they took law classes,

whether they or family were ever arrested/convicted, or whether they or family worked in the legal system ($p > 0.05$, in all cases).

Recidivism estimates

T-test statistics were used to examine the differences in recidivism estimates (in percentages) by gender and by legal exposure (see **Table 3** for list of means, standard deviations, and *t*-test values). Significant differences between males and females emerged for recidivism estimates of domestic abusers' likelihood of reoffending ($t(299) = 3.67, p < 0.001$), and of likelihood of reoffending for criminals in general, ($t(299) = 2.47, p < 0.05$). In both cases, females were more likely to give higher recidivism estimates than men (e.g., expected a greater proportion of domestic abusers to reoffend). No other gender differences emerged. When legal exposure was examined, no differences were found between those who had some prior or current exposure to the legal system and those who had none ($p > 0.05$, in all cases).

[Insert Table 3 about here]

Discussion

In examining the descriptive data on the accuracy of undergraduate student responses, this study reveals that students have some accurate legal knowledge in some, but not all, areas. Most participants accurately gave a definition of theft and the ages for legal use of alcohol and tobacco. When specific scenarios of sexual interference were provided, most participants recognized that three scenarios were illegal and that one was a legal act. A moderate number of student participants defined burglary and concealed weapon crimes accurately, while approximately half were accurate in identifying the blood alcohol level required for an impaired

driving offence, the legal age of consent for sexual activity, and what constitutes a sexual assault. Less than 50% of participants were fully accurate in defining robbery, dangerous operation of a vehicle, and aggravated sexual assault, although 70% of participants were partly or fully accurate in defining the former two offences. Almost half of the participants could not provide any definition for indictable offence or sexual interference, despite their ability to correctly identify specific scenarios for the latter crime term. These findings indicate the areas of the law that are most familiar to undergraduate students. However, a general legal term like “indictable” may not have been a term to which they had been exposed. Our findings are consistent with existing, albeit limited, research. Roberts, Grossman, and Gebotys (1996) found that less than a fifth of their representative sample knew the terminology used for sexual offences, but when specific legal questions were posed about sexual assault (e.g., no lasting injury is required to charge one with sexual assault), most respondents (over three quarters of their sample) were accurate. There is a similar finding of limited public knowledge in Lambert and Clarke’s (2004) study on capital punishment knowledge and in Roberts and Stalans’s (1998) survey of Ohio residents on changes in drug laws.

Although we had a wide range of what we would consider accuracy with respect to possible punishments – that is, responses would be accepted as long as they fell within the sentencing guidelines of the Criminal Code (e.g., combining summary and indictable sexual interference offences, so the sentence would be a minimum imprisonment for 14 days, with or without probation, up to 10 years imprisonment) – correctly identifying possible sentences for various crimes ranged between 37% to 74%. More than half of our sample was accurate in providing possible punishments for sexual assault, aggravated sexual assault, a concealed weapon offence, and sexual interference offences. About one fifth of our sample was fully

incorrect (e.g., gave a sentence that would exceed the maximum limits under the Criminal Code) in their provision of sentencing possibilities for sexual interference and sexual assault. For all of the non-sexual offences, when responses that were partially or fully accurate as possible sentences were combined, the percentage of participants who were at least partly accurate increased to over 85%. Given that more than a quarter of our participants were fully incorrect in their understanding of sentencing, we wonder about the usefulness of deterrence when knowledge of the Criminal Code is so limited. Speaking to this issue, Williams and his colleagues, in some early publications, have asserted that statutory penalties will deter individuals from offending only if they have accurate knowledge of these penalties (Williams and Gibbs 1981; Williams, Gibbs, and Erickson 1980). Their studies, in which they recruited the participation of adult residents in Arizona, demonstrated that the public does not have an absolute knowledge of the statutory penalties; rather, their findings suggest that public may perceive penalties in terms of what they ought to be rather than what they actually are. Roberts et al. (2007) found almost half of their sample were not able to cite any offences that carried a mandatory minimum sentence, despite the Criminal Code indicating 31 offences that have mandatory minimums, but this lack of knowledge did not prevent the majority of these same participants from having an evaluative view of the sentencing laws as being too lenient.

Returning to our findings, it was not surprising that participants were more likely to grossly inflate their estimation of reoffence rates. We compared our sample's estimates to the published literature, using conservative recidivism rates, based on known offending. Both men and women provided an overall estimation that almost 80% of sexual offenders would commit a similar offence in the future. This estimate contrasts greatly with sexual recidivism rates reported in the literature. In a study using four Canadian samples of incarcerated sexual offenders, 26% of

sexual offenders recidivated sexually (Harris, Rice, Quinsey, Lalumière, Boer, and Lang 2003). More conservative estimates have been reported elsewhere using 100 samples in a meta-analytic study (11.5% sexual recidivism; Hanson and Morton-Bourgon 2005). Recidivism rates for domestic violence were also overestimated by our sample at nearly 80%, and females were more likely to provide greater estimates, indicating over 80% of domestic abusers would reoffend again in a similar manner. These estimates are a gross exaggeration of current documented reports of recidivism. In a Canadian sample of incarcerated domestic abusers, 27% of offenders committed another domestic violence offence (Hilton, Harris, Popham, and Lang 2010). Our sample reported lower estimates regarding burglars and the percentage who would commit another burglary. The overall percentage of 61.7% was similar to reported data from Florida that indicated that recidivism rates are as high as 60% over 99 months (Florida Department of Corrections 2010). No published Canadian data on recidivism rates for break and enter were available for comparison. Lastly, our participants appeared to overestimate the percentage of offenders who would commit another offence (70.1%), compared to older reported estimates, ranging from 36% to 44% (Bonta, Rugge, and Dauvergne 2003; Correctional Service of Canada 1989). The published literature indicates that sexual and domestic violence offending rates for recidivism are much lower than other non-violent or general crime recidivism rates, but it appears that violent offending, whether sexual or non-sexual, is perceived as more likely to be repeated by such offenders. The danger of an individual who maintains such inaccuracies about crime statistics and reoffending rates is that these inaccuracies may influence her/his attitudes (Mitchell and Roberts 2012); for example, it was found that the more grievous the estimates were for certain crimes, the more severe the recommendation was made regarding sentencing. It is possible that inaccuracies stem from a “‘mean world’ syndrome” described by Gerbner, Gross,

Morgan, and Signorielli (1986, p. 28) that can occur in association with viewing a great deal of television violence.

In light of past research that has shown senior students majoring in criminal justice (who, hence, would have more exposure to relevant course work) were more knowledgeable than freshman students (Kelley and Stack 1997), we predicted that exposure to the legal system would lead to greater knowledge about criminal offences and sentencing. Our results did not support our hypothesis. What was surprising was that prior exposure to the criminal justice system (via family and/or self) had no bearing on the level of accuracy in defining these offences or their associated sentencing. Some possible reasons could account for our non-significant findings. First, the achievement test used in Kelley and Stack's study may have examined more general knowledge about the criminal justice system rather than more specific questions about the Criminal Code such as we used in our study. This may make a difference, according to other relevant studies. For example, an older study by Bohm, Clark, and Aveni (1991) showed that students enrolled in a content-relevant course were not different in their knowledge about the death penalty than those who were enrolled in other courses offered at the same time. Another study by Vandiver and Giacopassi (1997) found that senior criminal justice majors were more accurate than freshman students in providing an estimated number of deaths caused by homicide (i.e., actual estimate in the year of data collection was 23,305, and the median response from senior majors was 50,000 while freshman students was 200,000). However, both groups overestimated the number of homicides. A more recent study found differences between criminal justice majors and students in other majors with regards to their degree of knowledge about crime and the death penalty, although the authors noted that the differences were not striking (Lambert and Clarke 2004). With regards to the relevance of experience or exposure to students'

perceptions of or attitudes toward crime, punishment, and the criminal justice system, the literature is somewhat mixed. There is some evidence for the “liberalizing” effect of the college experience as a whole (Farnworth, Longmire, and West 1998) and of being a criminal justice major (Tsoudis 2000), but other studies have found only marginal differences between users and non-users of the criminal justice system (Van de Walle 2009). A second, and less favourable explanation, is that criminal justice experience and exposure may play a nominal role, at best, in improving knowledge about the Criminal Code. Instead, exposure to the criminal justice system may increase knowledge about the legal process rather than about legal definitions. This may be a useful avenue to pursue; that is, future research could ask students process-related questions rather than technical or legal definition questions. A third possible explanation may be that the assumption that individuals who have been exposed to the criminal justice system will be well-versed in all aspects of the criminal justice system may be erroneous. For example, someone who was arrested for driving under the influence may not be knowledgeable about sexual crimes, despite having had involvement with the criminal justice system. Moreover, if people are learning about the CJS from others who have been involved (e.g., arrestees, offenders), they may be learning inaccurate information if those people do not understand the system. Future research could focus on whether people are more knowledgeable about the law in areas in which they have been arrested or convicted compared to others who have not had any legal exposure.

Gender differences were also examined, and the sole significant finding emerged for a single term – indictable offence – which was correctly identified by only 4% and defined only partly by 37.5% of the overall sample, with males being more able to partly define this term. Although one study found that male students performed better on a standardized achievement test in criminal justice than females students (Kelley and Stack 1997), this finding may also be a

reflection of the willingness of women to concede ignorance, as is demonstrated in some political knowledge studies (Mondak and Anderson 2004). These studies purport that, if men guess at higher rates than women, then the knowledge scores for men would likely, in part, reflect the consequence of chance for getting the answer right. There has not been much attention given to examining gender differences in criminal justice knowledge, but such minimal differences in responding may reflect the single finding that emerged in our study.

In light of our findings that crime and sentencing knowledge is both variable and limited among young adults, there are several implications from our study. One purpose of our laws is to denounce such acts and to deter people from engaging in illegal acts, and therefore, it is expected that citizens should be knowledgeable about these sanctions for such crimes. Natural questions that arise from these findings are, Where is knowledge gained by young adults? and What are the ways to effectively improve this knowledge? First, the literature notes not only that the media are a prime source of information on justice issues but also that media can directly influence public views on criminal justice, including perceptions of sentencing (Roberts and Doob 1990; Velazquez and Lincoln 2009). Further, the more credible the media source is, the more reliance is placed on that source and the more influence it has on individual attitudes and perceptions (Waid-Lindberg, Dobbs, and Shelley 2011). Media sources, such as news programs, are not the only source of influence, as these may include films, television, and/or personal experience (Dowler 2010). A future line of inquiry would be to examine what sources are used by college students when they have a legal question; for example, it would be important to know whether they seek information through the Internet, examine criminal statutes, or ask friends.

Second, criminal laws are not always communicated to the public, and therefore, some form of education for young adults seems necessary as a sound source of crime knowledge. For

example, traffic laws appear on streets in the form of signs that state the speed limits and expected changes in driving. However, a clear understanding of the Criminal Code is expected and its associated sanctions are supposed to inform citizens that such acts would be a violation of the Criminal Code. Early education programs that raise consciousness of appropriate behaviour and criminal laws may lead to the prevention of criminal activity and perhaps the identification of those who violate these laws (Jones, Clayborne, Grant, and Rutherford 2003). Implementing early education programs with non-offending youth and young adults may serve as a primary prevention. A secondary prevention would be to target at-risk youths (e.g., runaways, drop-outs) and weave in some educative components that bring attention to the breadth of the criminal laws that govern their behaviour and subsequent sentencing. Such education could serve as a deterrent for these groups of youths and young adults.

A third equally important consequence that arises from the limited knowledge of the public is the enormous influence of the public on promoting punitive legal reforms. This is somewhat disconcerting, given the findings from our study and other published works, indicating that the public seems to have limited knowledge of our criminal laws. Green (2006) proposes that, to improve the democratic process of incorporating public influence and public will for change and reform, it is important to first build public knowledge and foster public judgement. Our findings suggest that mere exposure or course taking is not apt to significantly change one's knowledge of the criminal justice system. Indeed, Tanasichuk and Wormith (2012) found that when criminal justice information was taught to participants using an active learning paradigm, they were more confident in the criminal justice system, despite crime knowledge not increasing. Hence, alternative ways of educating citizens may be useful in improving evaluative perceptions

of the public, perhaps facilitate compliance with Canadian criminal laws, and lead to dissemination of knowledge to other citizens through a snowball effect.

As with most studies, this research study is not without its limitations. The sample collected was limited to university undergraduates, and therefore we may not be able to reliably generalize our findings to the larger community of young adults. Our sample had fully completed their high school education, whereas 15.4% of Canadians do not have a certificate, diploma, or degree (Statistics Canada 2008).

Another limitation of our study is that students (and quite possibly, the general public) may have a lack of familiarity with the terminology regarding sexual crimes used in the Criminal Code, suggesting that the findings may reflect a difference in semantics, rather than a true lack of knowledge. This effect may be demonstrated by the finding that only 8% of our sample correctly defined *sexual interference*, yet over 80% of the sample were able to correctly label specific scenarios of sexual interference as crimes. Further studies may best be conducted using additional synonyms or colloquial language more commonly used (e.g., “child molestation”, “statutory rape”, or more broadly, “inappropriate sexual behaviour with a minor”) or, conversely, future studies could consistently use technical legal terms. With regards to the latter, the current study neglected to use the Criminal Code term, break and enter, and instead included ‘burglary’, which is a colloquial term amid the technical terms used in this study. The variability in terminology used in this study is another noted limitation. Prospective research could examine a key source of crime knowledge by analysing media reports to examine their use of legal language. For example, in television and media reports of criminal activity, are technical legal terms being used to describe criminal behaviour, or colloquialisms (e.g., “brutal rape” versus “aggravated sexual assault”)? What type of terminology is being used when the public is learning

about various crimes? How does the failure to use the terminology sanctioned by the Criminal Code affect the public's perceptions of the criminal justice system?

In reference to our findings of participants' knowledge of punishments, it may be the case that participants may have just made "educated guesses" as to what the proper punishments are. For example, it may be obvious to some that a criminal would go to jail or receive a fine for breaking the law; hence, we cannot be certain the participants knew for a fact that this was the consequence for breaking a particular law. Also, in the recidivism literature, risk is often capped at a certain length of time (e.g., what is the likelihood Mr. X will reoffend in 5 years? 10 years?) and recidivism is typically based on official reports, such as formal convictions. Our study asked "What percentage (%) of the following offenders do you think will commit a similar crime again?" without putting any limitations on length of time in the community before reoffending or on what is to be considered a crime (e.g., does a repeat offence need to be detected, formally reported, or issue in a conviction). Different responses might have been elicited if limits had been set, and therefore, actual and perceived rates of recidivism may not be an accurate comparison. A final limiting feature of our work is the absence of counterbalancing the questions posed in our survey of participants; hence, the effect of question order cannot be ruled out as a potential influence.

In conclusion, our findings draw attention to the criminal knowledge areas where young adults are unaware of crimes and their punishments. Our research calls into question whether improving public knowledge may contribute to pro-social behaviour in accordance with the Criminal Code or more effectively enhance the democratic process. Given that incorrect or limited knowledge of the Criminal Code may influence perceptions of criminal justice laws and

the professionals who work in the system, this solicits the need to find more innovative ways to effectively educate young adults on the Criminal Code.

Note

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Table 1: Percentages of correct, partially correct, incorrect, and omitted responses for defining each general and specific crime

Crime Definitions	Correct	Partially Correct	Incorrect	Omitted or Not Know
General				
Indictable offence	4	37.5	18.3	40.2
Robbery	20.9	76.1	2	1
Theft	90	7.3	2	0.7
Burglary	63.1	33.2	1.7	2
Specific				
Legal age for alcohol use	98.3	—	1.7	0
Blood alcohol level	47.2	—	45.8	7
Legal age for tobacco use	93.7	—	6	0.3
Dangerous operation of vehicle ^a	35.2	52.2	9.3	3.3
Concealed weapon	70.4	19.3	6	4.3
Age of consent	56.8	—	41.5	1.7
Sexual interference	8.6	17.6	24.3	49.5
26-yr-old male and 15-yr-old female	91.4	—	8.3	0.3
18-yr-old male and 16-yr-old female (legal)	80.4	—	19.6	0
20-yr-old male and 15-yr-old female	84.1	—	15.6	0.3
15-yr-old male and 20-yr-old female	82.7	—	16.9	0.3
Aggravated sexual assault	32.2	38.9	18.9	10
Sexual assault	59.1	22.9	15	3

Table 2: Percentages of correct, partially correct, incorrect, and omitted responses for sentencing knowledge of specific crimes

Criminal Sentencing	Correct	Partially Correct	Incorrect	Omitted or not Know
Legal age for alcohol use	46.8	38.5	10	4.7
Blood alcohol level	36.9	59.1	1.7	2.4

Legal age for tobacco use	53.5	31.2	10.3	5
Dangerous operation of vehicle	46.2	46.8	3.7	3.3
Concealed weapon	63.5	19.9	5.6	10.9
Sexual interference				
26-yr-old male and 15-yr-old female	59.5	4.7	21.9	14
20-yr-old male and 15-yr-old female	49.8	4.7	22.3	23.3
15-yr-old male and 20-yr-old female	48.5	4.7	21.9	24.9
Aggravated sexual assault	74.1	3.7	11	11.3
Sexual assault	66.4	5.6	19.6	8

Table 3: Recidivism estimates overall, by gender, and by legal exposure, and accompanying inferential statistics

Recidivism estimates	Overall	Participant Gender			Exposure to Criminal Justice System		
		Male	Female	<i>t</i>	Yes	No	<i>t</i>
Sexual offence	76.9% (20.86)	74.2% (21.13)	78.1% (20.68)	1.48	78.7% (19.80)	75.9% (21.44)	1.15
Domestic abuse	78.8% (20.48)	72.4% (23.61)	81.7% (18.28)	3.67**	78.7% (21.49)	78.8% (19.77)	-0.08
Burglary	61.7% (20.83)	62.0% (22.51)	60.1% (20.07)	-0.71	61.1% (22.00)	60.7% (19.84)	0.19
General crime	70.1% (20.19)	65.8% (21.48)	72.0% (19.34)	2.47*	70.6% (20.75)	69.9% (19.83)	0.28

* $p < 0.05$; ** $p < 0.01$

Note: Means and standard deviations (in parentheses) are listed.