

POLICY BRIEF

Public opinion about crime and punishment: Reducing social and cultural biases against criminalized individuals

Keywords: Crime; Public Opinion; Sentencing; Policy



SUMMARY

Social stereotypes suggesting that criminalized people are callous or angry strongly bias rapidly and intuitively formed punitive preferences. Policy interventions should reduce stigmatization of criminalized populations, adopt a general-public focused crime prevention strategy, and mitigate the impact of intuitive punitiveness in public opinion measures.

BACKGROUND

Canadians' perceptions of crime do not accurately reflect reality. A 2022 poll of just over 5,000 Canadians suggests a widespread (60%) belief that crime has increased over the last five years in spite of self-reported victimization remaining stable (13%) (Angus Reid, 2022), and data from 2021 suggesting stability in police-recorded crime trends (Moreau, 2022). According to a 2016 poll, about 75% of Canadians believe that imposing harsher sentencing is the solution to reducing crime (Price, Sechopoulos, & Whitty, 2019). Yet, as early as 2002, a report commissioned by the Solicitor of Canada analyzing the recidivism outcomes for over 442,000 offenders demonstrates that harsh sanctions fail to prevent recidivism (Smith, Goggin, & Gendreau, 2002).

In its 2023-24 Departmental Plan, Public Safety Canada put forward a holistic approach to address crime and safety in Canadian communities, namely by improving reintegration and therefore minimizing recidivism. The Government of Canada has enacted the Reduction of Recidivism Framework Act (2021) to address barriers to reintegration under the five pillars

of housing, education, employment, health and positive support networks. Recent changes include reducing the fee for record suspensions (pardons) from \$650 to \$50 (Public Safety Canada, 2023). The Act also underscores the need to evaluate and improve "procedures to address racial and cultural biases" in the treatment of incarcerated individuals.

Reducing widespread social biases is an additional necessary step to address sustained public support for excessively harsh criminal justice policies, and to improve the capacity to successfully reintegrate criminalized individuals. Indeed, public opinion is often cited as one of the major reasons for politicians to craft harsh criminal justice policies (e.g., mandatory minimum penalties) (Elliott & Coady, 2016). The following policy brief draws on a series of studies addressing widespread social biases against criminalized individuals and related punitive preferences. Policy recommendations are made to reduce social biases and mitigate their effects in criminal justice policy and penal practices.

KEY RECOMMENDATIONS

▶ **Ensure swift and accessible record suspensions**

Relevant policy and legislation: Criminal Records Act (R.S.C., 1985, c. C-47)

Increase access to record suspensions for those who have served their sentence and are living crime-free, including automated sequestering of criminal records to avoid stigmatization

▶ **Reduce or abolish mandatory minimum penalties**

Relevant policy and legislation: *Controlled Drugs and Substances Act*; s. 85, s.99(1), s. 235(1), s. 372(2)(a)(i), *Criminal Code*.

Amend legislation to allow judicial discretion in imposing other than a mandatory penalty if a lesser penalty is needed to avoid stigmatization

▶ **Adopt a general-public focused crime prevention strategy**

Promote a public discourse consistent with new models of crime prevention, focused on empathy and providing a varied portrait of criminalized individuals, to reduce punitive biases in the formation of punitive preferences

▶ **Improve measures of public opinion on criminal justice matters**

Before measuring public support for harsh criminal justice policies, provide respondents with basic information about current trends in crime rates, prison population size and composition, and penal practices to reduce punitive biases in the formation of punitive preferences

▶ **Enact guiding principles in sentencing practices to minimize punitive biases**

Relevant policy and legislation: Section 718.1 of the *Criminal Code*

Formalize a written document to be submitted to judges by the prosecution that takes into account criminalized individuals' story and information to reduce punitive biases in judicial decision-making



RESEARCH FINDINGS

The present research draws on findings emanating from a series of studies conducted in Canada and the UK. The study design involved participants deciding whether a person who was said to have been found guilty of committing a crime should be sent to prison or not, following their gut reaction (Côté-Lussier & David, 2022).

- **Social decision-making and judgment.** Research on social cognition recognizes two interrelated processes contributing to decision-making and judgment (Gore & Sadler-Smith, 2011; Kruglanski & Gigerenzer, 2011). The first process is a slower reasoned process, drawing on explicit beliefs, morals or appraisals of a situation. The second process emerges from rapid cognitive and emotional mechanisms that operate at a “gut-level” and that come to influence reasoning.



On average, people were able to reach a harsh punishment decision in as short as 1.5 seconds. The shorter the decision time, the more likely they were to choose the harsher punishment.

Even under such a short timeframe, a systematic pattern exists among people’s decisions – some offenders were always punished (punishment rate > 90%) whereas others were rarely punished (15%).

Criminal stereotypes are the key factor influencing these seemingly intuition-based punishments. Participants mostly punish individuals who ‘look’ like stereotypical criminals – those who look more angry and less warm (Côté-Lussier, 2013; Côté-Lussier & David, 2022).

- **Criminal stereotypes.** Research on stereotypes about criminalized people suggests that they are classically seen as more dangerous and blameworthy, and not amenable to change (Franklin & Henry, 2020). Criminal stereotypes reflect universal dimensions of social perception: criminalized people are seen as lacking warmth (i.e., cruel, unkind) and competence (i.e., unintelligent, incompetent), and has having a low social status (Côté-Lussier, 2016). These stereotypes directly impact how individuals feel and act toward criminalized others. For instance, recent research conducted in Canada suggests less willingness to offer help to others who are labelled as a “criminal” (Boutet, Goulet-Pelletier, Maslouhi, Fiset, & Blais, 2022).



Moving beyond perception, physiological changes measured using facial electromyography suggest that participants “felt” stronger negative emotions to more stereotypical looking criminalized individuals (Côté-Lussier & David, 2022).

The traits of the decision makers also play an important role. More conservative and authoritarian participants tend to punish more often and more quickly (David & Côté-Lussier, *under review*). Empathy, on the other hand, is a protective factor prompting people to slow down and engage more in deliberate thinking when deciding to punish or not (Dong & Côté-Lussier, *in preparation*).

Greater intuitive punitive biases, more conservative political dispositions and decreased empathy all contribute to expressing more support for harsh criminal justice policy.

Taken together, this research shows that criminal stereotypes strongly bias decision makers to reach faster and more punitive decisions. Potential interventions targeting criminal stereotypes and biases, political dispositions, and empathic traits may help counteract humans’ default tendency to punish harshly.

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