

Developing a comparative vignette methodology to examine the process of breach

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IN SCIENCE AND TECHNOLOGY

Vignette Methodology

What is a vignette?

- ‘stories about individuals, situations and structures which can make reference to important points in the study of perceptions, beliefs and beliefs and attitudes’ (Hughes 1998:381)
- Typically accompanied by questions asking participants to respond to the scenario by giving their opinion regarding the course of action that should be taken or by explaining what they would do.

Vignette Methodology

- Used across a range of disciplines
- Compatible with quantitative and qualitative approaches
- May be combined with other strategies including interviews...

Vignette Methodology

Disadvantages...

- Scenarios do **not** represent **real life** decision-making (and carry with them no real consequences)
- Unless combined with observation there is some question over whether they really capture how things happen in ‘practice’
- Difficulty of using only a common denominator so basic that subtle nuances are lost
- Challenges of really comparing decision-making processes that occur in very different contexts and cultures

Vignette Methodology

Advantages? (arising from Bratislava)

- common scenario to explore decision-making in many different context
 - common starting point so that differences observed are those associated with context, culture and specific idiosyncrasies of different systems
- allows a concentrated discussion of breach and provides ‘situated context’ for discussion
- Compatible with other research strategies including interviews, observations and file analysis

Developing the vignette for comparative research

Steps (beginning in Malta...)

1. Develop a vignette to examine process of breach in different jurisdictions
2. Pilot the vignette
3. Evaluate pilot findings on usefulness of vignette
4. Develop evaluative framework for comparing results across jurisdictions (structuring our findings)

Developing the vignette for comparative research

First Questions??

Which breach process-pre-trial, sentencing phase or release phase????? Need to develop at least TWO vignettes!!!

- BREACH IN SENTENCING PHASE-when there is a violation of a community sentence involving unpaid work
- BREACH IN RELEASE PHASE-when there is a violation of conditions of release from prison

Making the vignette: important considerations...

- Focus was on **testing vignettes** as a means studying breach comparatively
- Vignettes should give us **maximum insight into the differences** between jurisdictions
- Vignettes must make sense AND be comparable across range of jurisdictions
- What is a realistic scenario that will make sense in all jurisdiction (remembering the differences)????

Making the vignette: important considerations...

- Develop a vignette for each phase and allow for jurisdiction specific modifications....(**no Trees in Malta!**)
- How much detail?
 - Too much detail = responses too diverse & too difficult to analyse and compare
 - Too little detail= not realistic and won't give insight into processes of interest
 - Fine balance...☺
- Which stages of breach process? Three Stages
=Immediate supervisor, Probation Officer and Judge
(depending on jurisdiction)

Making the vignette: key ingredients...

- Vignette + probing questions to ascertain key information we are interested in
- **Final Recipe:**
 - Common scenario
 - Not too detailed
 - Not too vague
 - Make sense across different jurisdiction
 - Include jurisdiction specific modifications
 - Include all decision-makers (max 3)
 - Probing questions

Making the vignette: fine tuning

Now all we have to do is construct the actual vignette...

- John (offender characteristics)
- Crime (offence characteristics)
- Violations (conditions that have been violated)
- Three stages
- End product you experienced earlier with Miranda and Maria

Piloting the vignette

- Vignette piloted in each jurisdiction with decision makers including immediate supervisors, probation officers and judges involved in the breach process in both phases
- Outcome of pilot showed
 - Rich and very interesting data
 - List of research questions/themes to enhance comparative analyses
 - Need to develop a way to translate our qualitative data into quantitative data to allow for comparison across and within jurisdictions on a more abstract level.

Next Steps: Anders!

1. Evaluate pilot findings on usefulness of vignette (Anders and Alfredas)
2. Develop evaluative framework for comparing results across jurisdictions (structuring our findings)

Evaluating our Pilot Study

Opening up the 'black box' of decision making



Are vignettes useful tools in a comparative context?

Preliminary outline of an evaluation

Did the vignette provide us with insights into

- the relevant considerations at each stage of the process?
- relevance of legal requirements at each stage?
- role of discretion at each stage?
- relationship of parties?
- role of defendant/client?

Outcome? A rich, but mixed, set of empirical data...

Next step – a focus on comparability

- Design of an evaluative template
- Context ‘independent’ dimensions of decision making
 - Roles and responsibilities
 - Violations and reactions
 - Offender characteristics
 - Cooperation/support and discretion
 - Interviewer specific issues

One evaluation question:

Did the vignette pilot provide us with analyzable data?

5 possible answers (a 'Likert scale'):

Absolutely

A lot

Some

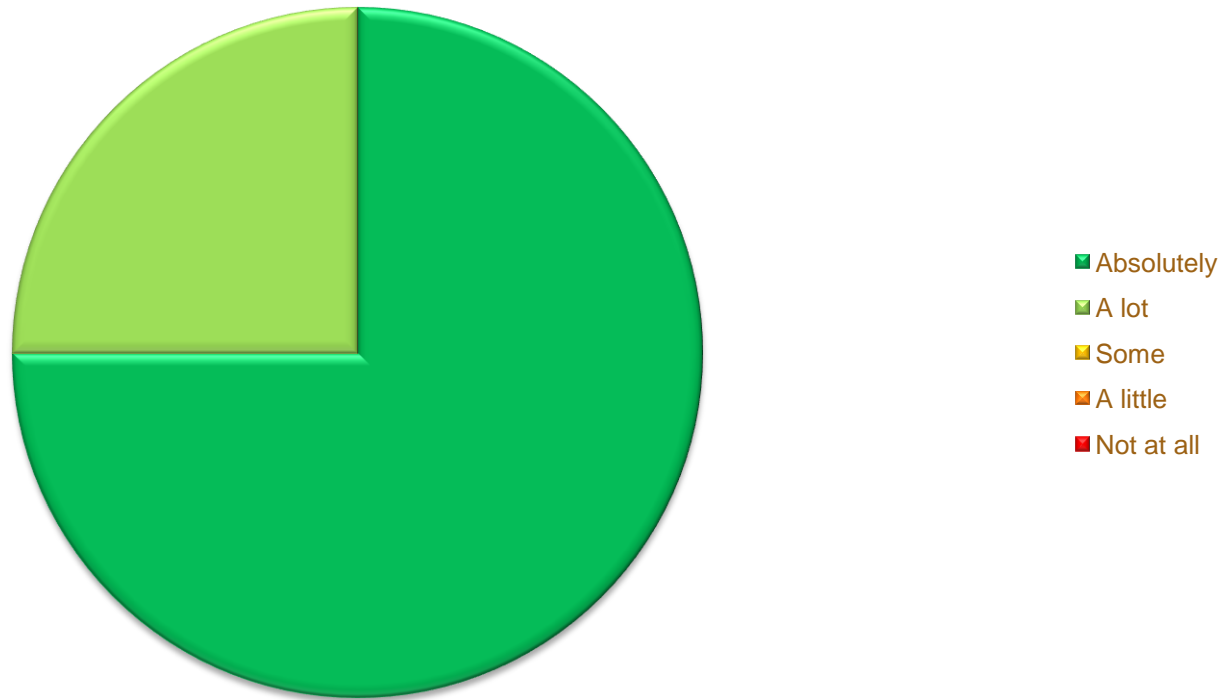
A little

Not at all

A graphic presentation...



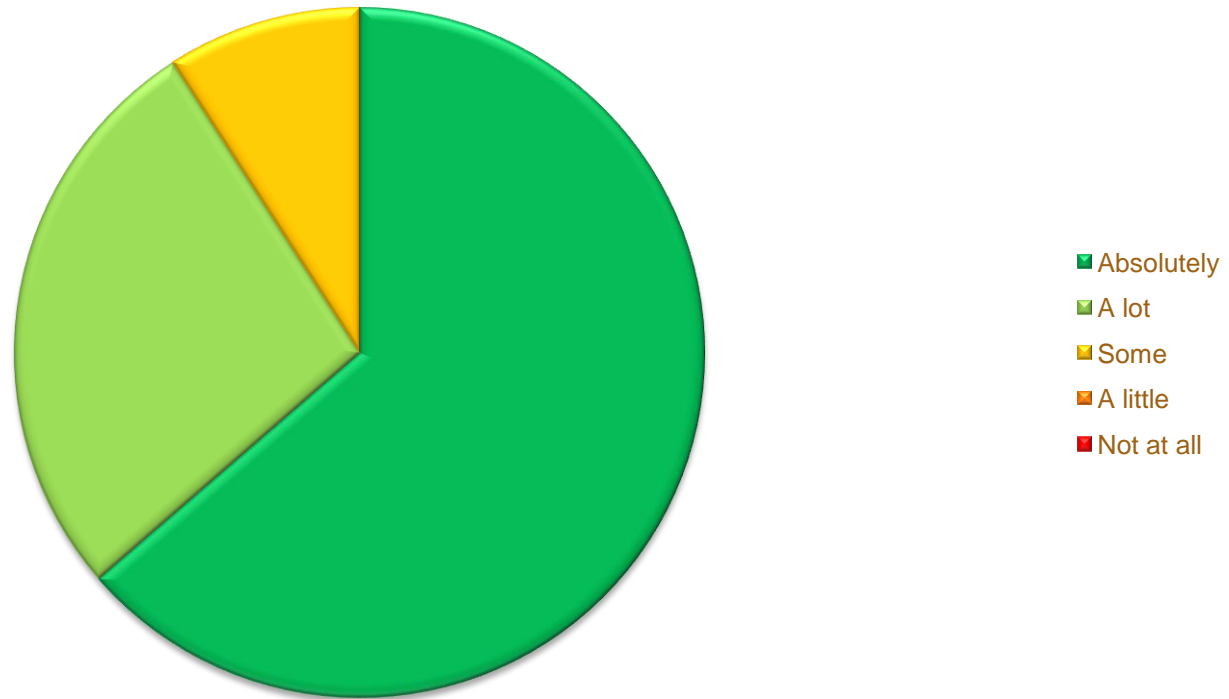
Possible decisions/choices as reaction to the violation



Possible decisions/choices as reaction to the violation

- Would be useful to explore more fully why a certain decision would be made in the vignette case.
- Yes, the vignette specifically asks about the formal and informal options that the decision-makers have and so was therefore very useful for this.
- Difficult question, because of possible variety of violations.

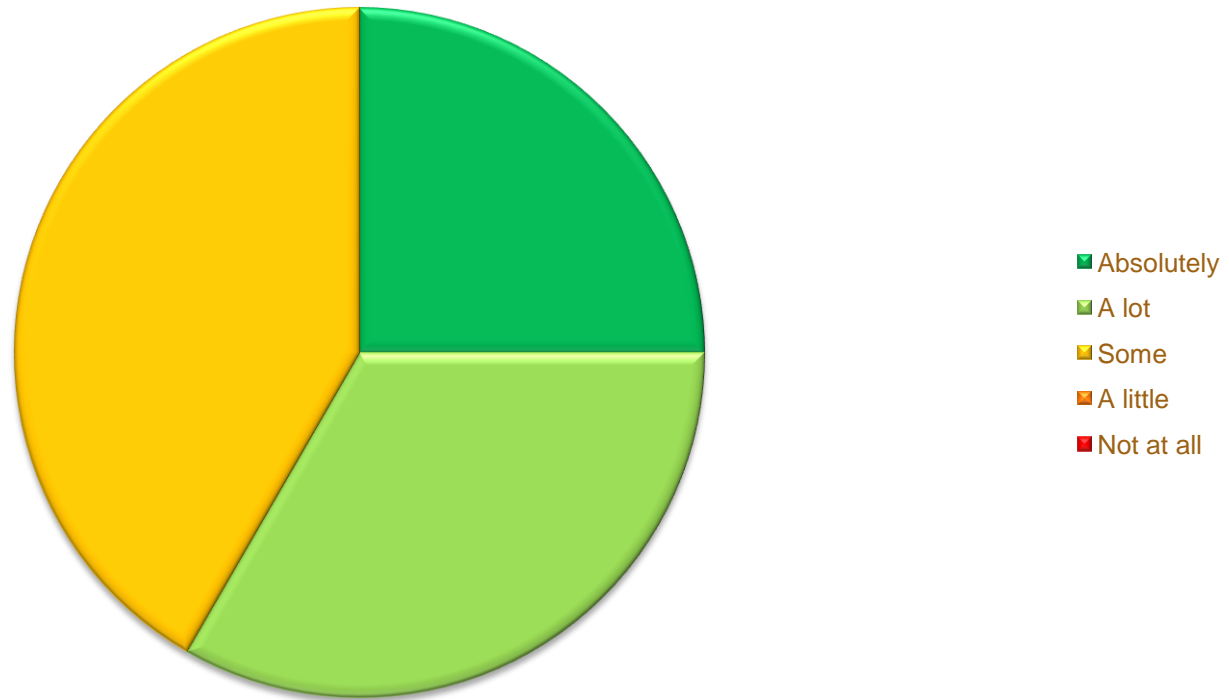
Does the decision maker provide additional chances to offender



Does the decision maker provide additional chances to offender

- This element I think was only partly raised during interviews as it required specific questions to be asked (which were not included in the initial questions).
- As practice is highly discretionary, the vignette model opened for fruitful discussions about the range of alternatives and the rationales behind choosing one or the other

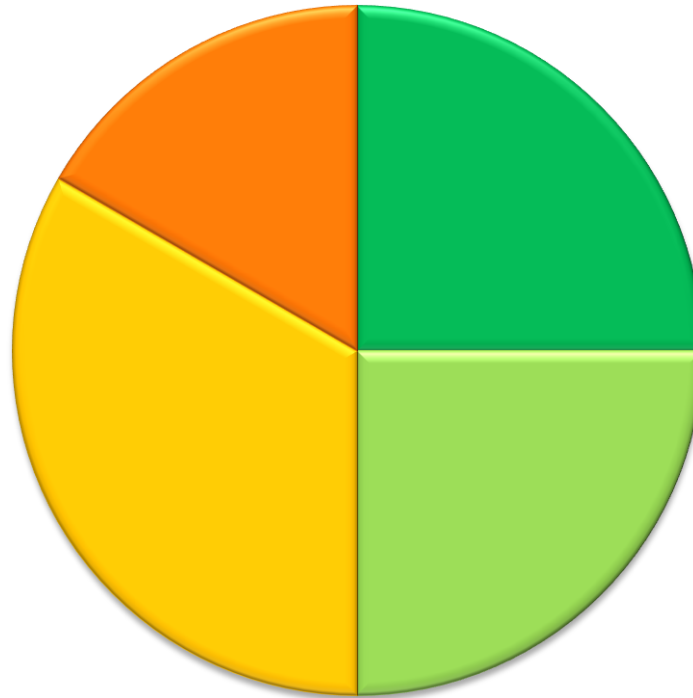
Personality traits, or behavior, associated with the likelihood of the decision maker involving the next level



Personality traits, or behavior, associated with the likelihood of the decision maker involving the next level

- This element came out of the conversation but would need further elaboration
- Attempts to ‘fool’ a decision maker was described as a certain path to the next level!
- Being “a general case”, the discussion tend to be very rational

Opinions about discretion (positive/negative)

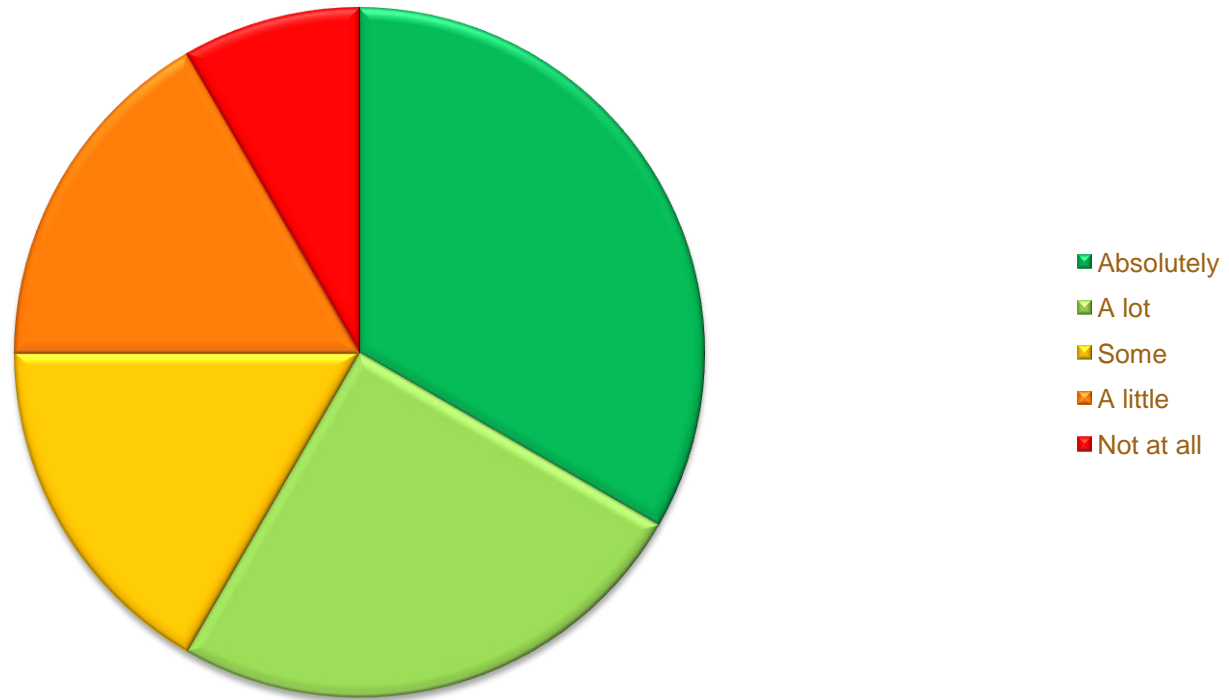


- Absolutely
- A lot
- Some
- A little
- Not at all

Opinions about discretion (positive/negative)

- It was assumed that they have some level of discretion. But, not very much discussion on this point.
- More indirectly. The interviews showed that the discretion was highly valued and also used.
- Not sure if some kind of opinion is possible to get.

Does the interviewer require knowledge beforehand on issues related to breach and breach procedure?



Does the interviewer require knowledge beforehand on issues related to breach and breach procedure?

- Yes, some general knowledge is required in order to ask relevant follow-up questions.
- It would be possible to conduct the interview without detailed advance knowledge of procedures but it would probably result in less nuanced and detailed information.

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In summary...

- Generally positive views on the usefulness, but...
- Some aspects/dimensions are helpful in understanding the general supervision process.
- Others are more directly related to the decision making process.
- Tool = Vignette based interview
- A certain degree of bias??

Current aim of the working group:

- Create a pool of ideas of how we can quantify the dimensions and sub-dimensions; dichotomous scales, multiple or Likert type scales? Other forms that allows for comparisons?
- Break up working group into sub-groups focusing on a few specific dimensions (i.e. regulatory versus discretionary, or the parties, roles and responsibilities)

Current aim of the working group:

- In practice; different forms of quantification
- Examples:
 - Likert scales for questions related to discretion with clear descriptions of what each level on the scale means (increases the 'inter rater reliability')
 - (Descriptive) tables for information about roles and responsibility

End objective: to design a methodology for further research