

# Jury Sentencing Survey 2 (Controls)

Name of case

Your State/Territory

Today's date

## How To Fill Out This Survey

We are interested in your views and personal opinions. There are no right or wrong answers. Please select the response which is closest to your view.

### Section A: The Case Scenario

**A1.** Now that you know the sentence which the judge gave and having read the judge's comments on passing sentence, how appropriate do you think the sentence was? **[please tick the applicable box]**

- 1. Very appropriate  Skip question A3 below
- 2. Fairly appropriate  Skip question A2 below
- 3. Fairly inappropriate  Skip question A2 below
- 4. Very inappropriate  Skip question A2 below

**A2.** If you thought the sentence was very appropriate, please indicate why you think this? **[please write your response in the space provided below]**

---

---

---

---

**A3.** Unless you thought the sentence was very appropriate, please indicate what you think the sentence should have been? **[please write your response in the space provided below]**

---

---

---

---

**A4.** In the previous survey, you said that the offender in your case scenario should have received \_\_\_\_\_

---

---

as their sentence. If you have changed your mind about what sentence the offender in your case scenario should have received since completing Survey One for this project, please indicate why. **[please write your response in the space provided below]**

---

---

---

---

**A5.** How important is it in general that judges give clear reasons for sentence? **[please tick the applicable box]**

- 1. Very important
- 2. Quite important
- 3. Not very important
- 4. Not at all important

**A6.** In your case scenario, how clear were the judge's reasons for sentence? **[please tick the applicable box]**

- 1. Very clear
- 2. Somewhat clear
- 3. Somewhat unclear
- 4. Very unclear

**A7.** To what extent do you think the judge's reasons justified the sentence in your case scenario? **[please tick the applicable box]**

- 1. A great deal
- 2. A little
- 3. Not at all

**A8.** How important is it in general that judges give consistent sentences for similar crimes committed in similar circumstances? **[please tick the applicable box]**

- 1. Very important
- 2. Quite important
- 3. Not very important
- 4. Not at all important

# Jury Sentencing Survey 2 (Controls)

**A9.** In your case scenario, how consistent do you think the judge's sentence was with sentences given for similar crimes committed in similar circumstances? **[please tick the applicable box]**

- 1. Very consistent
- 2. Somewhat consistent
- 3. A little inconsistent
- 4. Very inconsistent

**A10.** In general, how much discretion (i.e. leeway or flexibility) do you think judges should have in deciding on an appropriate sentence? **[please tick the applicable box]**

- 1. A great deal
- 2. A little
- 3. None at all

**A11.** In your case scenario, do you think the amount of discretion (i.e. leeway or flexibility) the judge had in deciding on an appropriate sentence was not enough, about right or too much? **[please tick the applicable box]**

- 1. Not enough
- 2. About right
- 3. Too much

**A12.** In your view, to what extent did the judge in his/her sentencing remarks, acknowledge any victim impact in your case scenario? **[please tick the applicable box]**

- 1. A great deal
- 2. A little
- 3. Not at all

**A13.** In your view, do you think the victim would feel vindicated by the judge's comments in the sentencing remarks in your case scenario? **[please tick the applicable box]**

- 1. A great deal
- 2. A little
- 3. Not at all

**A14.** In your view, to what extent did the reasons for sentence in your case scenario adequately take into consideration the facts/ circumstances of both the victim and the defendant? **[please tick the applicable box]**

- 1. A great deal
- 2. A little
- 3. Not at all

**A15.** The following items are looking at your beliefs about the extent to which the victim may be considered responsible for the incident. Use this scale to indicate your response to each of the following items. **[please write the number in the box provided]**

	1	2	3	4
	Not at all	A little	A great deal	Completely/ totally
a. How much do you think the victim should blame themselves for what happened?				<input type="checkbox"/>
b. How much control do you think the victim had over the situation?				<input type="checkbox"/>
c. How much do you consider the incident to be the victim's fault?				<input type="checkbox"/>
d. To what extent do you think the victim could have avoided the incident?				<input type="checkbox"/>
e. Overall, to what extent was the victim responsible for what happened?				<input type="checkbox"/>

**A16.** In deciding a sentence, a judge is required to consider a number of factors. This question lists commonly recognised aggravating and mitigating factors. Please go through the list of aggravating and mitigating factors and indicate your own views on how much weight the judge **should** have placed on each of these factors when sentencing the offender **in your case scenario**.

Many of the factors may not have arisen in your case scenario; if so, please indicate this by ticking the 'did not arise' box.

**(1) Aggravating factors:** these are matters that have the effect of increasing the severity of the sentence. Please indicate how much weight the judge should have placed on each of these factors

**in your case scenario [please tick the applicable box]**

	No weight (1)	A little weight (2)	A lot of weight (3)	Did not arise (4)
a. Pre-planning or premeditation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Sustained or repeated assault on the same person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Victim particularly vulnerable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Offender was on bail, parole or probation etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*continued on the next page*

# Jury Sentencing Survey 2 (Controls)

	No weight (1)	A little weight (2)	A lot of weight (3)	Did not arise (4)
e. Abuse of power/trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Threatened/actual use of weapon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Previous relevant convictions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Threats to prevent victim reporting the incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Extent of physical injury	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Extent of emotional injury	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. More than one victim	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Are there any other aggravating factors?	a. Yes <input type="checkbox"/>	If so, please specify these factors: _____		
	b. No <input type="checkbox"/>	_____		
		_____		
		_____		

2) If you selected two or more aggravating factors from the list above (points a to l), which factor do you believe was most important in your case scenario? **[please write your response]**

\_\_\_\_\_

3) **Mitigating factors:** these are generally matters relating to the offender's personal circumstances and can decrease the severity of the sentence. Please indicate how much weight the judge should have placed on each of these factors in **your case scenario**.

**[please tick the applicable box]**

	No weight (1)	A little weight (2)	A lot of weight (3)	Did not arise (4)
a. Old age of offender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Genuine remorse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Offender undergoing treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	No weight (1)	A little weight (2)	A lot of weight (3)	Did not arise (4)
d. The offence was not premeditated/was impulsive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Currently in, or prospects of work/training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Loss of job or reputation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Difficult/deprived background	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Mental disorder/disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Physical illness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Good character	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Lack of maturity affecting responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Sole/primary carer for dependent relative(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

m. Are there any other mitigating factors?

a. Yes  If so, please specify these factors:

b. No  \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(4) If you selected two or more mitigating factors from the list above (points a to m), which factor do you believe was most important in your case scenario? **[please write your response]**

\_\_\_\_\_

\_\_\_\_\_

# Jury Sentencing Survey 2 (Controls)

The following questions relate to sex offender registration orders. If your trial was for a non-sexual violent offence, please tick the not applicable box below and go to question B1 in Section B.

Not applicable

**A17.** If the judge in your case scenario made an order for a sex offender register, how appropriate do you think it was to make this order? [please tick the applicable box]

- 1. Very appropriate
- 2. Fairly appropriate
- 3. Fairly inappropriate
- 4. Very inappropriate
- 5. Not applicable (N/A)

**A18.** In general, how much discretion (i.e. leeway or flexibility) do you think judges should have in deciding whether or not to place a sex offender on a register and should this vary depending on whether the victim of the offence(s) is an adult or child?

[please tick the applicable box]

	If the victim is an adult	If the victim is a child
1. A great deal	<input type="checkbox"/>	<input type="checkbox"/>
2. A little	<input type="checkbox"/>	<input type="checkbox"/>
3. None at all (should be compulsory)	<input type="checkbox"/>	<input type="checkbox"/>

**i** Please refer to the section titled 'Sex Offender Registration' in the sentencing booklet you received for further information

**A19.** In general, how much discretion (i.e. leeway or flexibility) do you think judges should have in deciding how long a sex offender should be placed on a register and should this vary depending on whether the victim of the offence(s) is an adult or child?

[please tick the applicable box]

	If the victim is an adult	If the victim is a child
1. A great deal	<input type="checkbox"/>	<input type="checkbox"/>
2. A little	<input type="checkbox"/>	<input type="checkbox"/>
3. None at all (should be compulsory)	<input type="checkbox"/>	<input type="checkbox"/>

**i** Please refer to the section titled 'Sex Offender Registration' in the sentencing booklet you received for further information

**A20.** In your opinion, which of the following sentences for sexual offences against children, if any, should automatically attract a sex offender registration order? [please tick the applicable box/boxes]

- 1. Imprisonment
- 2. Community supervision
- 3. Minor penalties such as a fine or good behaviour bond
- 4. Guilty findings where no conviction is recorded
- 5. None of the above

**A21.** In your opinion, which of the following groups, if any, should be given access to the sex offender register? [please tick the applicable box/boxes]

- 1. Parents or carers of a child who has contact with a registered sex offender
  - 2. Government departments
  - 3. All members of the general public
  - 4. Other
- If so, please specify

---



---



---

## Section B: Sentencing Practice

**B1.** In general, would you say current sentences for the following crime types are much too tough, a little too tough, about right, a little too lenient, or much too lenient? [please tick applicable box]

	Much too tough	A little too tough	About right	A little too lenient	Much too lenient
a. Violent offences (not sexual)	<input type="checkbox"/>				
b. Property offences	<input type="checkbox"/>				
c. Drug offences	<input type="checkbox"/>				
d. Sex offences	<input type="checkbox"/>				

# Jury Sentencing Survey 2 (Controls)

**B2.** What type of sex offender did you have in mind when answering question B1d (i.e. sex offences) above?

[please write your response below]

---



---



---

**B3.** This question looks at your beliefs about those who commit sexual offences as well as other violent offences. For each item, please choose the answer that best represents your belief

[please tick the appropriate box].

	0%- 20%	21%- 40%	41%- 60%	61%- 80%	81%- 100%
a. What percentage of sex offenders commit another sex offence?	<input type="checkbox"/>				
b. What percentage of rapists commit another sex offence?	<input type="checkbox"/>				
c. What percentage of child molesters commit another sex offence?	<input type="checkbox"/>				
d. What percentage of non-sexual violent offenders commit another non-sexual violent offence?	<input type="checkbox"/>				
e. What percentage of sexual assaults against adults are committed by strangers?	<input type="checkbox"/>				
f. What percentage of sexual assaults against children are committed by strangers?	<input type="checkbox"/>				
g. What proportion of convicted rapists do you think are sent to prison?	<input type="checkbox"/>				
h. What proportion of convicted child molesters do you think are sent to prison?	<input type="checkbox"/>				

**B4.** For those rapists who are sent to prison, how many years on average do you think they are sentenced to prison for?

Please write the number of years in the box provided below.

 years

**B5.** For those child molesters who are sent to prison, how many years on average do you think they are sentenced to prison for?

Please write the number of years in the box provided below.

 years

**B6.** In answering questions B3, B4 and B5 above (your beliefs about those who commit sexual and other violent offences and how they are sentenced), to what extent were your responses influenced by the following? [please tick applicable box]

	A great deal	A little	Not at all
a. Personal experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Media reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. This study's information booklet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Friends/family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**B7.** In general would you say current sentences for the following types of sexual offence are much too tough, a little too tough, about right, a little too lenient, or much too lenient? [please tick the appropriate box]

	Much too tough	A little too tough	About right	A little too lenient	Much too lenient
a. Child sexual abuse (victim under 12)	<input type="checkbox"/>				
b. Consensual sexual penetration of a young person (12-16)	<input type="checkbox"/>				
c. Rape (adult victim)	<input type="checkbox"/>				
d. Production of child pornography	<input type="checkbox"/>				

# Jury Sentencing Survey 2 (Controls)

**B8.** To what extent do you agree with the following statements?  
[please indicate your level of agreement by ticking the appropriate box]

**i** Here we use the term “judge” to cover both judges and magistrates who sentence offenders.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
a. The individual judge is the best person to choose an appropriate sentence for each case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I am satisfied with the decisions that the courts make.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I have confidence that judges impose an appropriate sentence most of the time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Judges are in touch with what ordinary people think.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The death penalty should be the punishment for murder.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. People who break the law should be given stiffer sentences.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Courts are too soft on offenders.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. The tougher the sentence, the less likely an offender is to commit more crime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Rehabilitation is not taken seriously by criminals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. High crime rates are mainly an indication that punishments are not severe enough.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. The most effective response to criminality is to have harsher sentences.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Judges should reflect public opinion about crimes when sentencing criminals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strongly agree    Agree    Neither agree nor disagree    Disagree    Strongly disagree

m. The majority of sex offenders who receive specialised treatment still end up reoffending.	<input type="checkbox"/>				
n. Treatment for sex offenders is a waste of time.	<input type="checkbox"/>				

**B9.** The following questions ask you about your degree of confidence [Please indicate your degree of confidence by ticking the appropriate box]

	Not at all confident	Not very confident	Neither confident nor unconfident	Fairly confident	Very confident
a. How confident are you that penalties or punishment given to offenders are appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. How confident are you that the courts are effective at giving punishments which fit the crime?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. How confident are you generally in the courts and the legal system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**This is the end of the survey.**

Please put the survey in the pre-paid envelope and post it back to us.

**We really appreciate your co-operation and effort!**

If you are willing to participate in a final short survey which will be posted out to you in approximately 6 months' time please tick the box below. The final one page survey will take only a few minutes to complete and will ask further questions about sentencing.

This survey is an important part of the project as it will help us understand whether those who have been called for jury service may change their views over time.

I am willing to complete a final survey.

**Thank you very much for completing this survey.**

**Your responses will help us to better understand how members of the public feel about sentencing matters.**