

Jury Sentencing Survey 1

Initials of Offender

Date of Verdict

Name of Judge

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 You Decided

i Note: If there was more than one offender in the case you decided, please answer the questions below in relation to the offender you feel should receive the most severe sentence.

Please write the initials of the offender you selected for the purposes of the following questions in the space provided below:

_____ (write offender's initials here IF applicable)

A1. Were you present when the prosecution and defence were making their submissions for sentencing?

[please tick the appropriate box]

a. Yes

b. No

A2a. What sentence do you consider the offender should receive in this case? [please tick the applicable box]

i We don't expect you to guess what the judge will do; we would like your own view and so there is no right or wrong answer. You may tick more than one box to create a combination of sentences. If the offender was convicted of more than one offence, your sentence should cover them all. Note the sentencing options listed below are listed in order of severity beginning with the least severe sentence.

1. Dismiss without a conviction

2. Discharge with a conviction

3. Adjourned undertaking on condition of good behaviour with or without a conviction

4. Fine
Amount \$ _____

5. Probation (supervision plus bond)
Suggested length of supervision in months _____

6. Community based order with at least one of the following requirements:

a. Unpaid work (suggested hours) _____

b. Programme conditions – treatment/education (suggested hours) _____

c. Supervision (suggested hours) _____

7. Home detention

a. Suggested length: Years _____ Months _____

8. Imprisonment

a. Suggested length: Years _____ Months _____

b. Is it appropriate to suspend all or part of the sentence:

i. Wholly suspend

ii. Partly suspend

If so, please specify suggested period to be served:

Years _____ Months _____

iii. Do not suspend

c. If you think a non-parole period (i.e. time that must be served in prison before release on parole) is appropriate, please specify the length of non-parole.

Years _____ Months _____

A2b. An additional compensation order. In addition to the sentence imposed, a court may impose a compensation order in personal injury cases. If you feel a compensation order is appropriate, please specify the amount the offender should be ordered to pay.

\$ _____ (in whole dollars)

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A2c. Should a treatment condition be added to the sentence?

[please tick the appropriate box]

- a. Yes
- b. No

A2d. Should a sex offender registration order (which requires the offender to have reporting obligations to the police and imposes other restrictions) be added to the sentence?

[please tick the appropriate box]

- a. Yes
- i. If so, please specify length _____ (in years)
- b. No
- c. Not applicable

A3. Compared to your sentence, do you think the judge's sentence will be more severe or more lenient or about the same?

[please tick the appropriate box]

- a. More severe
- b. More lenient
- c. About the same

A4. We are interested also in why you chose the sentence you gave. From your perspective, what is the **SINGLE** most important purpose that will be achieved from the sentence you suggested above? [please tick one box only]

1. Discouraging others from committing crimes
2. Showing society's disapproval of the crime
3. Providing compensation to the victim where possible
4. Preventing the offender from committing further crimes though imprisonment
5. Discouraging the offender from committing further crimes
6. Providing punishment that reflects the seriousness of the offence
7. Assisting the offender so that he or she won't offend again

A5. If the defendant had pleaded guilty in this case, avoiding the need for a trial, would you have imposed a shorter/more lenient sentence? [please tick the appropriate box]

- a. Yes

If so, what would that sentence be?

- b. No

A6. If there was a victim in your case, in your view, was the victim treated in a sensitive manner by the judge?

[please tick applicable box]

- a. Not at all
- b. To some extent
- c. A great deal
- d. Not applicable

Section B: Offence Severity

B1. In this question, we are interested in how serious you think the following types of offences are. Please rank these offences in order from 1 to 5 where 1 is the least serious offence and 5 is the most serious offence. Only use each number once. [please write the number in the box provided]

- | | RANK (1 to 5) |
|--|--------------------------|
| A. Cause serious injury – David punches Victor in the face intending to cause him serious harm and permanently injures his eye and damages his sight. | <input type="checkbox"/> |
| B. Burglary – David goes into a building without permission and steals jewellery valued at \$500. | <input type="checkbox"/> |
| C. Murder – David shouts "I am going to kill you" and stabs Victor in the chest. Victor dies. | <input type="checkbox"/> |
| D. Drug trafficking – David agrees to sell Victor 50 grams of Heroin for \$10,000. | <input type="checkbox"/> |
| E. Rape – David has sexual intercourse with Victoria without her consent. | <input type="checkbox"/> |

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Section B continued

B2. In this question, we are interested in how serious you think the following types of sex offences are. Please rank these offences from 1 to 8 where 1 is the least serious and 8 is the most serious offence. Only use each number once. **[please write the number in the box provided]**

- | | RANK (1 to 8) |
|---|----------------------|
| A. Sexual penetration with a young person aged between 12-16 – David, aged 35, has sex with a 15 year-old girl while she is at his house baby-sitting his children. | <input type="text"/> |
| B. Sexual penetration with a child aged under 12 – David, aged 35, has sexual intercourse with a 10 year-old girl in her house when visiting her parents. | <input type="text"/> |
| C. Rape – David approaches Valerie on the street, forces her into a nearby alleyway and rapes her. | <input type="text"/> |
| D. Attempted rape – David approaches Valerie on the street, forces her into a nearby lane and pulls down her pants intending to rape her but a car enters the lane and David runs away. | <input type="text"/> |
| E. Sexual penetration with a child aged 12-16 under care/supervision – David, a 35 year-old teacher, has sexual intercourse with one of his female students, aged 15. | <input type="text"/> |
| F. Indecent act with child under 16 – David, aged 35, exposes his genitals to a 10 year-old girl and asks her to touch his penis. She does. | <input type="text"/> |
| G. Indecent assault – David deliberately thrusts his genitals against Valerie's bottom in a crowded bar and touches her breasts. | <input type="text"/> |
| H. Production of child pornography – David, aged 35, takes sexually explicit photographs of a 10 year-old child masturbating. He saves them onto his computer at home and intends to share them with other people on the internet. | <input type="text"/> |

B3. Answer this question in sex offence trials only. Looking at your ranking of sex offences in B2, what rank (1-8) would you give the crime in the case you decided?

Section C: Sentencing Practice

C1. 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 the appropriate 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"/>				

C2. What type of sex offender did you have in mind when answering question C1d (i.e. sex offences) above?

C3. 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"/>				

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- | | 0%-
20% | 21%-
40% | 41%-
60% | 61%-
80% | 81%-
100% |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 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"/> |

C4. 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]

C5. 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]

C6. 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"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Consensual sexual penetration of a young person (12-16) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Rape (adult victim) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Production of child pornography | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

C7. If you had the opportunity to be in the judge's chair, would your sentence, most of the time, be more severe, about the same in severity or more lenient than the judge's? [please tick the appropriate box]

- | | |
|-------------------------------|--------------------------|
| a. More severe | <input type="checkbox"/> |
| b. About the same in severity | <input type="checkbox"/> |
| c. More lenient | <input type="checkbox"/> |

C8. 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"/> |

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	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
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"/>
m. The majority of sex offenders who receive specialised treatment still end up reoffending.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Treatment for sex offenders is a waste of time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Most sex offenders can go on to lead productive lives with help and hard work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p. Even serious young sex offenders can grow out of their offending.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q. Most sex offenders really have little hope of changing for the better.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r. Some sex offenders are so damaged that they can never lead productive lives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s. In the eyes of the general public, judges' sentences will never be harsh enough.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t. In Australia, one can be confident that a judge will deal with one's case in an independent and unbiased manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C9. 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"/>

Section D: Questions About You

Please provide us with some important information about yourself. Remember that this information is totally confidential.

D1. People get information about crime and sentencing from a variety of sources. Please indicate whether the following sources are a major source, a minor source or not a source for you?

[please tick the applicable box]

	Major source (1)	Minor source (2)	Not a source (3)
a. Commercial television	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. ABC and/or SBS television	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Commercial or talk back radio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Non-commercial radio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Newspapers and news magazines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Friends and family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Major source (1)	Minor source (2)	Not a source (3)
g. Work/study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Internet – Social media websites (e.g. Facebook, Twitter)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Internet – News media (e.g. newspapers, television, websites)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Other sources – if so, please specify below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D2. On a scale from 1 to 10, where 1 is not at all knowledgeable and 10 is extremely knowledgeable, how knowledgeable do you think you are on issues to do with sentencing in your State/Territory? **[please write a number from 1 to 10 in the space provided below]**

D3. Are you male or female? **[please tick the applicable box]**

- a. Male
- b. Female

D4. What is your year of birth? **[please write your response in the boxes provided below (e.g. 1960)]**

D5. What is the highest level of primary or secondary school you have completed? **[please tick the applicable box]**

1. Year 12 or equivalent
2. Year 11 or equivalent
3. Year 10 or equivalent
4. Year 9 or equivalent
5. Year 8 or below
6. Did not go to school

D6a. Have you completed any educational qualification (including a trade certificate)?

- a. Yes
- b. No

D6b. If yes, what is the highest qualification you have completed?

[please tick the applicable box]

1. Trade certificate/Apprenticeship
2. Certificate/Diploma
3. Bachelor's degree
4. Postgraduate degree

D7. In which country were you born?

[please tick the applicable box]

- a. Australia
- b. Other

If other, please indicate which country?

_____ [please write response]

D8. What is your current marital status?

[please tick the applicable box]

1. Single
2. Married or partnered
3. Separated or divorced and not currently partnered
4. Widowed and not currently partnered

D9. In the week before the trial, did you have a full-time, part-time, temporary or casual job of any kind?

[please tick the applicable box]

1. Yes, worked for payment or profit
2. Yes, but absent on holidays, on paid leave, on strike or temporarily stood down
3. Yes, unpaid work in a family business
4. Yes, other unpaid work
5. No, did not have a job

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D10. If you did have a job of some description in the week prior to the trial, how many hours did you work in total on all jobs?

[please tick the applicable box]

- a. None
- b. 1 or more hours

If so, please write how many hours you worked in the boxes provided below (e.g. 35)?

Hours worked

D11. What is your current or most recent occupation?

[Please write your occupation here]

D12. Finally, to determine whether our sample is representative of the general population, we are asking you just one question about your income using the same question that the Australian Bureau of Statistics ask in their Population Census. Can you please tell us the total of all wages/salaries, government benefits, pensions, allowances and other income (e.g. interest, dividends, and rent) you as an individual usually receive? (i.e. the before tax combined total of income):

1. \$2,000 or more per week (\$104,000 or more per year)
2. \$1,500 - \$1,999 per week (\$78,000 - \$103,999 per year)
3. \$1,250 - \$1,499 per week (\$65,000 - \$77,999 per year)
4. \$1,000 - \$1,249 per week (\$52,000 - \$64,999 per year)
5. \$800 - \$999 per week (\$41,600 - \$51,999 per year)
6. \$600 - \$799 per week (\$31,200 - \$41,599 per year)
7. \$400 - \$599 per week (\$20,800 - \$31,199 per year)
8. \$300 - \$399 per week (\$15,600 - \$20,799 per year)
9. \$200 - \$299 per week (\$10,400 - \$15,599 per year)
10. \$1 - \$199 per week (\$1 - \$10,399 per year)
11. Nil income
12. Negative income

It would be very helpful if you agreed to participate a little further in this research. If you are willing to do so we will send you the judge's sentencing comments in this case and some information about sentencing in your State/Territory. You will be sent a prepaid envelope with your materials.

We would like you to read this information (this will only take 10-15 minutes) and then complete another short survey. If you are willing to participate in this way please enter your contact details below:

Name: _____

Postal Address: _____

Email: _____

Thank you very much for completing this survey.

Your responses will help us to better understand how jury members feel about sentencing matters.