

Jury Sentencing Survey Questionnaire 1

Name of Case _____

Date of Verdict _____

Name of Judge _____

How To Fill Out This Questionnaire

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 If there were multiple offenders 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 down the name of the offender you selected for the purposes of the following questions in the space provided below.

[write offender's name here IF applicable]

A1a. 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 there is 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 with or without a conviction
- 2. Adjourned undertaking on condition of good behaviour with or without a conviction
- 3. Fine

- 4. Community correction order
If so, what conditions should be attached to the order (you can select one or more)?
 - i. Community work (up to 600 hours) _____ suggested number of hours
 - ii. Supervision by a corrections officer _____ suggested length of supervision in days
 - iii. Treatment/therapy options: please specify type e.g. drug treatment _____
and length _____ (in hours) of treatment

- 5. A suspended sentence
(for sentences of a maximum of 3 years) If so, should the sentence be partly or wholly suspended? Please write the suggested years and months for either a partly or wholly suspended sentence in the spaces provided below.

- a. Partly suspended imprisonment
 - i. Suggested total length: Years _____ Months _____
 - ii. Suggested period suspended: Years _____ Months _____
- b. Wholly suspended imprisonment
 - i. Suggested length: Years _____ Months _____

- 6. Imprisonment
If so, please specify the length of the sentence in the spaces provided below.
 - a. Suggested length: Years _____ Months _____
 - b. Courts can set a non-parole period (i.e. time to be served) for sentences of imprisonment of 12 months or more. If your suggested sentence is 12 months or more, please specify the non-parole period:
Years _____ Months _____

A1b. An additional compensation order. In addition to the sentence imposed, a court must impose a compensation order in cases of property loss or damage and they may choose to impose a compensation order in personal injury cases. If you feel an additional compensation order is appropriate, please specify the amount the offender should be ordered to pay.

\$ _____ (in whole dollars)

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A2. 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. To make sure the offender gets the punishment they deserve
- 2. To teach the offender a lesson so that they won't do it again
- 3. To discourage other people from offending by making an example of the offender
- 4. To rehabilitate the offender so that they do not offend again
- 5. To protect the community by keeping the offender off the streets
- 6. To compensate the victims and/or the community
- 7. To express the community's disapproval of the offender's behaviour

A3. We are interested in finding out whether you think that juries should have a role in sentencing. In your opinion, should any of the following views of jurors be taken into consideration at sentencing? **[please tick the applicable box- you can select one or more options]**

- | | Yes (1) | No (2) |
|--|--------------------------|--------------------------|
| 1. A recommendation as to the type and length/amount of sentence (e.g. 3 years imprisonment) | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A recommendation as to the range for the length/amount of sentence (e.g. 2 to 3 years imprisonment) | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Factors which jurors believe the judge should consider in sentencing | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Other | <input type="checkbox"/> | <input type="checkbox"/> |
| 4a. If other, please specify _____ | | |

A4. On a scale from 1 to 10, where 1 is not at all serious and 10 is extremely serious, please indicate how serious you think each of the following types of offences are **[please write a number from 1 to 10 in each of the boxes provided below for each offence type]**.

- A. **Theft** – taking something that belongs to another person without threatening or using force and not intending to give it back.
- B. **Cause serious injury** – badly injuring a person by a physical attack that is intended to cause serious injury.
- C. **Arson** – deliberately setting property on fire in order to damage or destroy it and causing only property to be damaged or destroyed.
- D. **Aggravated burglary** – going into a building without permission, while armed with a weapon or while knowing that another person is there, in order to steal something, or commit a serious offence, like sexual or physical assault.
- E. **Blackmail** – demanding that a person do something, like pay money, and threatening to do something unwanted if the demand is not met, in order to make a gain or cause loss to any person.
- F. **Murder** – killing a person by an act that is intended to kill or seriously injure that person.
- G. **Kidnapping** – taking or leading or luring a person away or holding them captive against their will with the aim of demanding something, such as a ransom, for their return or release.
- H. **Armed robbery** – taking something that belongs to another person while being armed with a weapon and threatening or using force against the person, and not intending to give it back.
- I. **Commercial drug trafficking** – preparing, making, selling, exchanging or agreeing to sell a large quantity of an illegal drug as part of a commercial operation or attempting to do any of these things.
- J. **Rape** – sexually penetrating a person without their consent.

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Section B: Sentencing Practice

This section relates to your views about current sentencing practices. This question asks for your opinion about the sentencing of those convicted of a criminal offence.

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, Much too lenient?

[please tick the applicable box]

| | much too tough | a little too tough | about right | a little too lenient | much too lenient |
|---------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Violent offence (not sexual) | <input type="checkbox"/> |
| b. Property offence | <input type="checkbox"/> |
| c. Drug offence | <input type="checkbox"/> |
| d. Sex offence | <input type="checkbox"/> |

B2. To what extent do you agree with the following statements? Use this scale to indicate your level of agreement with the following statements. [please write the number in the box provided]

| 1 | 2 | 3 | 4 | 5 |
|-------------------|----------|----------------------------|-------|----------------|
| Strongly disagree | Disagree | Neither agree nor disagree | Agree | Strongly agree |

Here we use the term "judge" to cover both judges and magistrates who sentence offenders.

- a. The individual judge is the best person to choose an appropriate sentence for each case.
- b. I am satisfied with the decisions that the courts make.
- c. I have confidence that judges impose an appropriate sentence most of the time.
- d. Judges are in touch with what ordinary people think.

- e. The death penalty should be the punishment for murder.
- f. People who break the law should be given stiffer sentences.
- g. Courts are too soft on offenders.
- h. The tougher the sentence, the less likely an offender is to commit more crime.
- i. Rehabilitation is not taken seriously by criminals.
- j. High crime rates are mainly an indication that punishments are not severe enough.
- k. The most effective response to criminality is to have harsher sentences.
- l. Judges should reflect public opinion about crimes when sentencing criminals.

B3. For the following questions, you will be asked about your degree of confidence. Use this scale to indicate your degree of confidence. [please write the number in the box provided]

| 1 | 2 | 3 | 4 | 5 |
|----------------------|--------------------|---------|------------------|----------------|
| Not at all confident | Not very confident | Neither | Fairly confident | Very confident |

- a. How confident are you that penalties or punishments given to offenders are appropriate?
- b. How confident are you that the courts are effective at giving punishments which fit the crime?
- c. How confident are you generally in the courts and legal system?

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Section C: Questions About You

Please provide us with some important information about yourself.

Remember that this information is totally confidential.

C1. 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. Internet sites | <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 television | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Commercial or talk back 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. Non-commercial radio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Friends and family | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Work/study | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

C2. 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 Victoria? [Please write a number from 1 to 10 in the space provided below]

C3. Are you female or male [please tick the applicable box]

1. Female

2. Male

C4. What is your year of birth?

[Please write your response in the boxes provided below (e.g. 1960)]

C5. 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

C6a. Have you completed any educational qualification (including a trade certificate) since finishing primary or secondary school?

[please tick the applicable box]

1. Yes
2. No

C6b. 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

C7. In which country were you born?

[please tick the applicable box]

1. Australia
2. Other

If other, please indicate which country

_____ [please write response]

C8. 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

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C9. Last week, 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

C10. If you did have a job of some description last week, how many hours did you work in total on all jobs?

- 1. None
- 2. 1 or more hours.

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

Hours worked

C11. What is your current or most recent occupation?

[Please write your occupation here]

C12. Finally, what is 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)

[please tick the applicable box]

- 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 Victoria. 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 questionnaire. If you are willing to participate in this way please enter your contact details below:

Name: _____

Postal Address: _____

Email address: _____

If you have not included your contact details it would help if you explained why (in the space provided below) you have declined to participate further.

Thank you very much for completing this questionnaire. Your responses will help us to better understand how jury members feel about sentencing matters.