

# Jury Sentencing Survey Questionnaire 3

Case Number \_\_\_\_\_

## 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: Offence Seriousness

This section relates to your views on the seriousness of the offence in the case you decided relative to other offences in the same broad category.

In survey 1 your responses related to an offender convicted of \_\_\_\_\_

**A1 – offences causing or risking death.** There are a number of murder/manslaughter type offences. 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 murder/manslaughter offences are, including the offence in the case you decided [please write a number from 1 to 10 in each of the boxes provided below for each offence type]

A. **Intentional murder** – example: the defendant stabs the victim in the chest with a knife intending to kill him. The victim dies.

B. **Making a threat to kill** – example: the victim is inside the defendant's house. The defendant says to the victim "I am going to kill you", intending to make the victim scared for her life. To show he is serious, the defendant tells the victim he has a gun in his car and he leaves the house to go and get the gun.

C. **Conduct endangering life** – example: the defendant throws a large rock from a freeway overpass into moving traffic. The rock narrowly misses the windscreen of a car and bounces to the side of the road. No one is physically injured.

D. **Murder (reckless)** – example: the defendant punches and kicks the victim repeatedly in the head. The defendant does not intend to kill the victim, but knows he will probably cause serious injury to the victim. The victim's skull is fractured and he dies.

E. **Arson causing death** – example: The defendant sets fire to a small eucalyptus plantation on a day of total fire ban. The fire burns the plantation and spreads out of control to a nearby town. Due to the efforts of fire fighters only one home is destroyed. However, one person dies when attempting to flee the fire. The defendant states he only wanted to burn the eucalyptus plantation. The fire causes \$500,000 damage to property.

F. **Culpable driving causing death** – example: The defendant drinks a lot of alcohol at a party and then does burnouts in his car on the wet street outside. He loses control of his car and hits a pedestrian who is walking down the street. The pedestrian dies.

G. **Dangerous driving causing death** – example: the defendant is driving a car with a passenger inside. The defendant's mobile rings and when the defendant tries to answer his phone, he accidentally drops it on the floor of his car. He leans down to pick up his phone and loses control of the car and crashes into a tree. The passenger dies.

H. **Manslaughter (unlawful and dangerous act)** – example: the defendant is walking past a popular night venue when he is suddenly pushed by the victim. In retaliation, the defendant punches the victim once in the head. The defendant does not intend to kill the victim. The victim is knocked unconscious by the punch and later dies in hospital.

I. **The offence in the case I decided.**

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## Section B: Sentencing Practice

This section relates to your views about current sentencing practices.

**B1.** 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 \_\_\_\_\_

In the following questions, we are interested in your opinion about the sentencing of those convicted of a criminal offence.

**B2.** 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 (1)       | A little too tough (2)   | About right (3)          | A little too lenient (4) | Much too lenient (5)     |
|----------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 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"/> |

**B3.** This question is inquiring about the types of offender characteristics and environmental/situational factors you had in mind when answering question B2 above.

**a.** When indicating whether sentencing was too tough or too lenient, to what extent was your answer swayed by cases you had in mind where the crimes were the direct results of **individual offender factors** (e.g. the offender was of a bad character, had a mental illness, consciously chose to engage in crime and/or actively planned the offence)? [please tick the applicable box]

- |                                  | A great deal (1)         | To some extent (2)       | Not at all (3)           |
|----------------------------------|--------------------------|--------------------------|--------------------------|
| a. Violent offences (not sexual) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Property offences             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Drug offences                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Sex offences                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**b.** When indicating whether sentencing was too tough or too lenient, to what extent was your answer swayed by cases you had in mind where the crimes were the direct result of **environmental/situational factors** (e.g. childhood abuse, social disadvantage, provocation, stressful life events)?

[please tick the applicable box]

- |                                  | A great deal (1)         | To some extent (2)       | Not at all (3)           |
|----------------------------------|--------------------------|--------------------------|--------------------------|
| a. Violent offences (not sexual) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Property offences             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Drug offences                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Sex offences                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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**C.** Was there anything else in relation to the nature of the crime itself that you were thinking about when you answered question B1?

	1. Yes	2. No	Please specify
a. Violent offences (not sexual)	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. Property offences	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. Drug offences	<input type="checkbox"/>	<input type="checkbox"/>	_____
d. Sex offences	<input type="checkbox"/>	<input type="checkbox"/>	_____

**B4.** 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.

**B5.** 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: General World Views

This section relates to your general views about crime and the world more broadly.

**C1.** 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           |
| a. Generally speaking, I would say that most people can be trusted.                                   |          |                            |       | <input type="checkbox"/> |
| b. My neighbours would intervene if a fistfight broke out in front of my house.                       |          |                            |       | <input type="checkbox"/> |
| c. My neighbours would intervene if children were skipping school and hanging out on a street corner. |          |                            |       | <input type="checkbox"/> |
| d. I am satisfied with my personal financial situation.   |          |                            |       | <input type="checkbox"/> |
| e. I feel the economy in Australia is in serious trouble.   |          |                            |       | <input type="checkbox"/> |
| f. The behaviour of adolescents today is worse than it was in the past.                               |          |                            |       | <input type="checkbox"/> |
| g. Young people don't seem to have respect for anything anymore.                                      |          |                            |       | <input type="checkbox"/> |
| h. Most offenders can go on to lead productive lives with help and hard work.                         |          |                            |       | <input type="checkbox"/> |
| i. Even the worst young offenders can grow out of criminal behaviour.                                 |          |                            |       | <input type="checkbox"/> |
| j. Most offenders really have little hope of changing for the better.                                 |          |                            |       | <input type="checkbox"/> |
| k. Some offenders are so damaged that they can never lead productive lives.                           |          |                            |       | <input type="checkbox"/> |

**C2.** The following statements ask about your thoughts and feelings in various situations. 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           |
| a. I often have tender, concerned feelings for people less fortunate than me.           |          |                            |       | <input type="checkbox"/> |
| b. Sometimes I don't feel very sorry for other people when they are having problems.    |          |                            |       | <input type="checkbox"/> |
| c. When I see someone being taken advantage of, I feel kind of protective toward them.  |          |                            |       | <input type="checkbox"/> |
| d. Other people's misfortunes do not usually disturb me a great deal.                   |          |                            |       | <input type="checkbox"/> |
| e. When I see someone treated unfairly, I sometimes don't feel very much pity for them. |          |                            |       | <input type="checkbox"/> |
| f. I am often quite touched by things that I see happen.                                |          |                            |       | <input type="checkbox"/> |
| g. I would describe myself as a pretty soft-hearted person.                             |          |                            |       | <input type="checkbox"/> |

**This is the end of the questionnaire.** Please put the questionnaire in the pre-paid envelope and post it back to us.

We really appreciate your co-operation and effort! Please note that at the conclusion of this study, publication details about the research will be provided on the Law Faculty's website at [www.law.utas.edu.au](http://www.law.utas.edu.au) as well as the Victorian Sentencing Advisory Council's (Victoria) website at <http://www.sentencingcouncil.vic.gov.au/>