Asking juries about sentence: sentencing ‘teen bash mum’

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The aims of the study

- To explore the use of jurors as a means of ascertaining public opinion
- To investigate the usefulness of using the jury as a means of informing the public about crime and sentencing issues.
Outline of the paper

- Why use jurors?
- Methodology of study
- The case study
Approach and methodology

- Judge invites jurors to participate after guilty verdict
- Jurors listen to sentencing submissions
- Fill in Questionnaire 1
- Jurors who consent receive
  - sentencing comments
  - crime and sentencing booklet
  - fill in Questionnaire 2
- Interviews
The response rate so far

- 55 trials (as at 31 October)
- Stage 1 response rate: 62% (median 7)
- Agree to Stage 2: 87%
- Stage 2 response rate: about 60%
- Stage 2 respondent who agree to Stage 3: 45%
- 30 jurors interviewed
Why teen bash mum?

- Second trial in the study
- Excellent response rate
- Controversial crime
- Extensive media coverage
- Which angle would be chosen?
  - Desperate mother: out of control teen
  - Abusive mother walks free
- Confluence of anxieties
The case

- The charge: assault
- The facts
- The sentence: s 7(f) order
The interviews (the trial)

- Response to sentence
- Response to the offender
- Response to the media coverage
  - ‘I was absolutely appalled with the headline.’
  - ‘Dad, you had to be there!’ (J[1])
The interviews (judges)

- Are judges in touch?
  - Most common response ‘somewhat in touch’
  - They are ‘older men most of them. But then again I’m sure they’re exposed to all elements of society, so maybe they’re more in touch than I am.’ (J7)
  - The judge was ‘very much in touch’. ‘He said everything I hoped he would.’ (J1)

- The ‘perception gap’
  - Judges are ‘pretty out of touch and very misogynous’ (J1)
The interviews (sentencing in general)

- Sentencing patterns in general
  - Sentences for violent offences are too lenient
    (J1; 7/8 fellow jurors; 70% of Stage 2 jurors)
  - But the sentence was very appropriate
    (J1 and 6/8 jurors).
The interviews: the relationship between the abstract and specific

J1: ‘.. it wasn’t in a sense premeditated. It wasn’t … she wasn’t the kind of person who is just a violent attacker. … She wasn’t a violent mother or a sex offender or anything like that’. …

(and earlier she had said): ‘It was a one-off. She wasn’t going to go out in the community and threaten other people’
Knowledge of crime and sentencing

- The public have many misperceptions about crime and sentencing and there is a relationship between thinking sentences are too lenient and such misperceptions (Roberts et al 2003)

- Juror knowledge improved somewhat after reading the booklet - but

- Irrespective of knowledge most juror respondents in teen bash mum thought sentences for violent/sex offences too lenient
Concluding comments

What emerges from the case of teen bash mum is a clear dichotomy between the abstract views about sentences and the response in the particular case: a perception gap:

- in relation to judges
- and in relation to the severity of sentences

This is emerging as a recurring theme. Many jurors are not extrapolators.
The dichotomy between general attitudes and personal experience: ‘the perception gap’
Concluding comments cont'd

- Asking jurors about sentences in the case they have tried is a useful source of public opinion
- A good antidote to penal populism?
- Obtaining abstract views?
- Interviews are necessary
- Using jurors to inform the public?
Asking jurors about sentence: sentencing ‘teen bash mum’.

➤ Thank you.