

# 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!' (J1)

# 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.

## Concluding comments cont'd

- ◆ 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.