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Research Report

21

**Sentencing for child
homicide offences:
Assessing public opinion
using a focus group
approach**

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ISSN (Online) 2206-7280

ISBN 978 1 922478 17 7 (Online)

<https://doi.org/10.52922/rr78177>

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Published by the Australian Institute of Criminology
GPO Box 1936 Canberra ACT 2601
Tel: (02) 6268 7166
Email: front.desk@aic.gov.au
Website: aic.gov.au

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General editor: Dr Rick Brown, Deputy Director, Australian Institute of Criminology

Edited and typeset by the Australian Institute of Criminology

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Abstract

Public opinion about sentencing is notoriously difficult to assess. In 2017, the Queensland Sentencing Advisory Council was asked to do just that in relation to sentencing for child homicide offences. Building on the existing literature on public attitudes to the criminal justice system, this study aimed to explore community views on this issue using a focus group methodology. A group of 103 participants was recruited by a market research company from a mix of urban and rural locations in Queensland. After completing a series of questionnaires, participants were assigned a 'punitiveness score' and assessed the seriousness of three separate child homicide vignettes. The study found that participants viewed the sentences as inadequate and not sufficiently reflective of the vulnerability and defencelessness of the child. These findings contributed to the Council's recommendations to the Attorney-General and have since led to legislative change.

Executive summary

When homicide occurs within our community, it provokes strong emotions. When a child is the victim of homicide, community concern is magnified. This report provides the results of focus group research undertaken by the secretariat of the Queensland Sentencing Advisory Council. This research was part of the Council's response to a request by the Attorney-General to examine sentencing for criminal offences arising from the death of a child (child homicide offences). Overall, the Council's focus group research aimed to assist the Council in gaining a richer understanding of community views about what makes particular homicide offences more serious, and community views about whether sentencing outcomes for different types of child homicides are adequate.

This paper investigates public perceptions of the adequacy of sentencing for child homicide offences in Queensland, based on data obtained through focus group research with 103 community members from various Queensland locations. Using case-study vignettes of child manslaughter cases, the focus groups were used to explore participants' perceptions of seriousness and identify factors which impact their assessment of the adequacy of the sentence imposed.

While there is a wide variety of domestic and international research considering public perceptions of crime seriousness and sentencing, the Council's research makes an important contribution, as the first study to systematically examine public opinion towards sentencing for homicide cases involving a child victim. The particular methodological approach chosen for this study gave community members time to consider the complexity of sentencing for this offence, with participants provided with more information than would have been available about this issue via media reports.

This research revealed several key findings. In particular, participants in this study deemed sentences for child manslaughter offences inadequate because the sentences did not sufficiently reflect the defencelessness and vulnerability of the child victim.

The three case studies each facilitated debate and discussion among participants, often for differing reasons. However, several common themes emerged in discussions. The vulnerability and defencelessness of the child victim was consistently raised as a key consideration when assessing the suitability of sentences imposed. The nature of the offence—whether it was deliberate or accidental and whether there was prolonged violence and suffering—was another critical consideration. In addition, the conduct of the offender, both before and after the incident, was also taken into consideration by participants. Findings indicate that community members' level of satisfaction with the sentences imposed for child homicide varies significantly based on the nature of the offender's assessed level of culpability and criminal responsibility.

Introduction

While the number of deaths due to the murder or manslaughter of a child (child homicide) in Queensland is low, these deaths provoke highly emotive reactions in the community. Queensland courts sentenced 513 homicide offences between 2005–06 and 2016–17 (Queensland Sentencing Advisory Council 2018a). In 14 percent of these cases ($n=72$), a child was the victim. Over half (58.3%) of the child homicide offences were manslaughter offences.

In 2017, the Queensland Sentencing Advisory Council (the Council) received terms of reference from the Attorney-General and Minister for Justice, the Hon Yvette D'Ath MP, to consider penalties imposed on sentence for criminal offences arising from the death of a child, including current penalties and sentencing practices. The Council was asked to consider whether sentencing practices reflect the views of the community. This paper is based on data collection and analysis in response to the terms of reference; it reports on an investigation of community views and expectations regarding attitudes to crime and sentencing and perceptions of the adequacy of sentences for child homicide offences.

Assessing community attitudes and public confidence: Previous literature

This study contributes to the body of literature on public confidence in sentencing and community attitudes towards crime and punishment. As described recently by the Victorian Sentencing Advisory Council, the importance of understanding public sentiment is central to both the current and future operation of the criminal justice system, particularly because sentencing practice and reform is often responsive to public views (Sentencing Advisory Council Victoria 2018).

Since the 1970s, criminologists and other academics have sought to measure and assess public views about crime and about confidence in sentencing.

Over the last century, theorists have tackled the question of how to appropriately assess community views of crime seriousness and 'rank' the seriousness of various types of criminal offending. Dating back to a paper by Louis Thurstone in 1927, academics have attempted to measure the differences and distances between crime types to gain an understanding of how to punish crimes based on their level of seriousness, how to commit policing and other resources more efficiently and how to ensure that like offences are treated in a like manner.

Survey techniques have been used to undertake these assessments of community views, where participants are asked to rank various offences according to perceptions of seriousness, to choose between multiple pairs of offence types to assess views about severity, or to assign a score according to their sense of the seriousness of particular vignettes (O’Connell & Whelan 1996; Rossi et al. 1974; Sellin & Wolfgang 1964; Warr 1989; Wolfgang et al. 1985). While these studies provide a useful insight into the views and opinions of different groups in the community, they have often been criticised for weaknesses in the survey sample approach and for other aspects of research design (eg Cullen et al. 1985).

Over more recent decades, commentators have acknowledged the need for a somewhat more sophisticated approach to incorporating metrics, such as sentencing outcomes, maximum penalties, and the costs, impacts and prevalence of particular offence categories, as indicators of where on the continuum of seriousness an offence lies. In addition, more nuanced methods of collecting information about community views on offence seriousness have been employed, such as community panel sessions (Sentencing Advisory Council Victoria 2012).

The literature describes offence seriousness as comprising two key components central to the question of seriousness—the harm done by the offence (the ‘harmfulness’) and the culpability of the offender (the ‘wrongfulness’):

“

Analytically, the seriousness of criminal conduct has two major components: harm and culpability...Harm refers to the degree of injury done or risked by the act. Culpability refers to the factors of intent, motive, and circumstance that bear on the actor’s blameworthiness—for example, whether the act was done with knowledge of its consequences or only in negligent disregard of them, or whether, and to what extent, the actor’s criminal conduct was provoked by the victim’s own misconduct. (von Hirsch 1983: 214)

While the element of culpability refers to the individual characteristics of the offender (eg their age, mental health, intentions, or whether they were intoxicated), the element of harm refers to the physical, mental or emotional harm done to a victim.

The Victorian Sentencing Advisory Council has acknowledged that harm and culpability are not sufficient to assess seriousness and has added another element to recently conducted research: the circumstances of the offence. These circumstances can relate to the victim, the offender or the nature of the offence (Sentencing Advisory Council Victoria 2012). While the Victorian study limited its investigation of the role of victim characteristics to age and gender, other factors relating to the victim’s identity may be relevant to conceptualising offence seriousness, including:

- the perceived vulnerability of the victim;
- the symbolic significance of the victim’s identity; and
- the social impact of the offence.

In relation to public attitudes to sentencing, an Australian National Sentencing Survey found that the majority of respondents lacked confidence in sentencing and expressed dissatisfaction with the appropriateness and effectiveness of sentences imposed by the court (Mackenzie et al. 2012). Respondents indicated that harsher sentences are needed, but also supported the use of alternatives to prison for certain types of offenders, including the young, mentally ill or non-violent. The survey investigated confidence in sentencing and views on punitiveness across each Australian state and territory, and found only minor differences despite the diversity of sentencing policy in different Australian jurisdictions (Roberts, Spiranovic & Indermaur 2011).

Other studies have investigated how the provision of information about particular cases impacts on community members' attitudes towards sentencing. Bartels, Fitzgerald and Freiberg's (2018) review of the literature found that even when participants express dissatisfaction with sentences imposed, they tend to impose sentences that are on par with or more lenient than those imposed by the judge after they are provided with relevant information about the case. Warner, Spiranovic et al. (2018) examined how jurors and judges view additional information received about a case, including potentially mitigating and aggravating factors. The study found that the majority of surveyed jurors (58.8%) thought it 'depends on the circumstances' whether a mental disorder should be taken into consideration in sentencing. Additionally, 37 percent of study participants believed that drug addiction, and 42 percent that intoxication, at the time of the offence should not be considered. In comparison, the majority of judges who participated in the study indicated that, regarding consideration of mental health, drug addiction and intoxication, it 'depends on the circumstances' of the offence.

Recent years have seen a flurry of activity in assessing community attitudes to sentencing, with research having been conducted in Australia (Gately et al. 2018; Horstman et al. 2019; Moore 2020; Sentencing Advisory Council Victoria 2018), New Zealand (Barretto et al. 2018; McArdle, Lambie & Miers 2018), England and Wales (Marsh et al. 2019), Scotland (Black et al. 2019) and Canada (Department of Justice Canada 2019). This more recent public attitudes research has sought to combine larger surveys with smaller focus groups or individual interviews to provide more depth to understanding the views of community members about sentencing outcomes. Lorana Bartels' sentencing review for 2018–19 provides an excellent summary of both the methodology and findings of the research into sentencing attitudes across Australian and overseas jurisdictions, demonstrating that sentencing attitudes do appear to be influenced by issues such as the education level of participants, their age, and their perceptions of safety or the level of crime within their community (Bartels 2019).

Research into community attitudes towards sentencing for homicide is scarce, with child homicide being a particularly understudied area of research. Mitchell (1998) conducted a national quantitative study of public perceptions of homicide and the criminal justice system in England and Wales. Respondents were asked to consider eight hypothetical scenarios, each involving the death of an adult; they were asked to rate the seriousness of each case as well as provide an appropriate sentence for the cases they had ranked the most and least serious. Respondents were also asked to consider homicides generally and describe what they regarded as the worst homicides. Over half the sample (55%) thought that a homicide involving a child victim was the most serious form of homicide. Follow-up qualitative research further explored the idea of child homicide and found that, while the killing of any child under 16 years was considered very bad, the killing a very young child was viewed as slightly worse (Mitchell 2000).

Previous research found that community members consider violent crime as more serious compared to other types of crime, demonstrated by low levels of support for parole for violent offenders (Fitzgerald et al. 2016; Gately et al. 2017). A survey-based study conducted by Murphy (2019) regarding public perceptions of the harm caused by specific offences found that participants deemed sexual abuse of children as most harmful, followed by murder, rape, child physical abuse and domestic violence. While this study did not specifically investigate child homicide, it demonstrates that community members perceive non-fatal violence against a child as even more serious than murder (where the age of the victim is unspecified), clearly indicating that the vulnerability of a child is a crucial consideration when ranking crime seriousness. Research by Warner, Davis et al. (2018) on aggravating and mitigating factors in sentencing found that both judges and jurors were inclined to treat the vulnerability of the victim and an offender's abuse of their position of trust or power as aggravating factors.

Lovegrove's (2013) study explored the nature of lenience and punitiveness in the public's approach to the punishment of individual offenders. The study found that, when asked by the actual sentencing judge to provide a sentence for a real case, participants displayed rational thinking and provided a justification for the sentence they selected.

The Council's study makes an important and novel contribution to the literature, as it is the first study to systematically examine public opinion towards sentencing for child homicide cases. The limited availability of previous research on this specific topic called for an exploratory research design. A focus group approach was chosen as the most appropriate methodology to delve deeper into the thoughts and feelings behind participants' opinions and to appropriately manage the sensitive nature of the topic. An Australian research study assessed public attitudes towards crime and sentencing using a deliberative methodology, where individuals are given additional information and an opportunity to consider, discuss and alter their views. This study found that 'people may change their initial opinion on complex issues when given the opportunity to discuss and reflect on their beliefs' (Stobbs, Mackenzie & Gelb 2014: 219). Other studies have pointed at the limits of survey-based research, and suggested that qualitative methodologies, including focus groups, allow for a more nuanced understanding of participants' views and opinions (Mackenzie et al. 2012).

Research questions

This paper addresses the following research questions:

- What are community members' views on the penalties imposed on sentence for child homicide offences in Queensland regarding the adequacy and suitability of the sentence?
- Are there demographic differences in the views on sentencing for child homicide?
- Which factors do community members consider important when assessing penalties imposed on sentence for child homicide offences?

Methodology

Participant recruitment

Participants were recruited by an independent market research company, using their database of panellists. The panellists in the database held by the market research company were recruited over a 14-year period of random digit dialling telephone survey projects.

The number of attendees at each of the 10 focus group sessions ranged from eight to 12, with 12 being the maximum number of attendees permitted.

If two sessions were held in a location, one session was held during the day and the second session was held outside business hours (after 6 pm) to allow for wider attendance. If there was only one session in a location, it was held in the evening.

While participants were not randomly recruited to be representative of the Queensland population, the recruitment company undertook a process to randomly generate a list of potential participants from its database. The process was designed to recruit a pool of participants aged 18 years or over that included:

- a variety of ages;
- a range of occupations;
- people with children or grandchildren under the age of 18;
- Aboriginal and Torres Strait Islander people; and
- people who were born in countries other than Australia.

Panel members who were willing and able to attend the focus group in their location were then taken through a screening questionnaire to confirm they met the research criteria. Panel members were excluded if they had been a victim of personal crime of significant violence or had lost a family member who was a child due to a personal crime of significant violence.

Participants were paid \$80 for their participation (\$100 for those in remote locations due to the added travel time required and the increased difficulty of recruiting participants). This incentive was provided via a pre-paid Visa card which was mailed to the respondents at the completion of the project.

To allow for anonymous responses, the market research company allocated a unique identification number to each participant. All materials used during the focus group were labelled with the identification number. The research company provided the Council with de-identified reports providing participant sociodemographic information. The identification number was used to link survey responses with the sociodemographic characteristic of each participant, and to analyse and report responses. No other personal identifying information for any participant was collected, provided to researchers or reported.

Consent and approvals

The focus group study was reviewed by the Griffith University Human Research Ethics Committee and received approval (GU Ref No: 2018/442) on 23 May 2018.

Participants were recruited without being told the subject matter of the research, as the Council did not want to provide an opportunity for participants to develop preconceived ideas on the topic. At the commencement of the session, participants were informed about the nature of the research and received an information sheet (see *Appendix A*) which outlined:

- the purpose of the focus group;
- what the participant would be asked to do;
- the eligibility criteria for participation in the focus group;
- the expected benefits of the research to the government and the community;
- any risks of participating in the research;
- how the Council would be protecting the confidentiality of participants;
- the fact that participation was entirely anonymous and voluntary, and that participants could withdraw at any time without adverse consequence (participants were paid for their involvement whether or not they chose to withdraw after commencing the focus group);
- the contact details for each of the investigators and of the Griffith University Human Research Ethics Committee in case of any concerns or grievances; and
- the contact details for Lifeline.

Participants signed a consent form acknowledging their understanding of the terms of their involvement, and that they voluntarily agreed to participate (see *Appendix B* to view the consent form). They were provided with a copy of the consent form to retain for their reference.

Location and timing

To examine perceptions of the seriousness of child homicide offences and the adequacy of sentencing, the 10 community-based focus groups were held in six locations throughout Queensland, with a deliberate mix of urban, regional and remote locations—Brisbane, Sunshine Coast, Gold Coast, Cairns, Mount Isa and Longreach. Focus groups were held between May and July 2018.

Research team

The same three secretariat staff conducted all focus groups across all locations. One staff member assumed the role of facilitator of the focus group while the second staff member was available to debrief with any participants who felt the need to withdraw from the discussion, and to assist with any questions from participants. The third staff member assumed the role of dedicated scribe for each focus group, ensuring comprehensive and accurate written records were maintained.

Structure of focus groups

Participants attended a structured two-hour focus group, incorporating multiple paper survey instruments, practical exercises and structured opportunities for group discussion. Each session was divided into four parts:

Part one:

- consent forms and information sheet;
- introduction to research; and
- introductory question about where participants found out information about cases sentenced in Queensland.

Part two:

- Survey 1 ‘Attitude to crime and sentencing’—views on crime, both generally and specifically about violent crime;
- ranking exercise—participants were asked to consider 10 de-identified homicide cases (murder and manslaughter) involving adult and/or child victims that had been sentenced in Queensland. They were tasked with ranking the cases in order of perceived seriousness; and
- structured discussion—participants were led in a discussion about what factors they considered when ranking the cases and why. They were not asked to disclose their ranking order.

Part three:

- information provided about the purposes of sentencing; and
- Survey 2—views on the importance and application of each of the five purposes of sentencing. (Under Queensland’s *Penalties and Sentences Act 1992*, these purposes are punishment, rehabilitation, deterrence, denunciation and community safety.)

Part four:

- Survey 3 (part 1)—child homicide case studies and views on adequacy of the sentence given;
- Survey 3 (part 2)—further views on sentencing purposes in relation to child homicide offences; and
- structured discussion—participants were led in a discussion about what factors they considered when determining the adequacy of the sentence. They were not asked to disclose their response regarding adequacy.

While the focus group session involved multiple activities, this research report considers only two elements: attitude to crime and sentencing (Survey 1) and adequacy of sentences for child homicide (Survey 3, part 1).

Information storage

All hard copy material collected during the focus groups was stored at a secure key-controlled premises at the Queensland Sentencing Advisory Council office in Brisbane, Australia. With participant consent, the focus groups were voice recorded to accurately capture the discussion, and the recordings were then transcribed. The audio recordings and associated transcripts were stored on a secure server. All data was stored using the participant identification number without other identifying information.

Data analysis

Responses from the paper surveys were entered into an Excel spreadsheet and imported into SAS Enterprise Guide for analysis. Data entry was completed by two members of the Queensland Sentencing Advisory Council secretariat. A sample of surveys were cross-checked for data entry errors. During analysis, any missing or unusual data was checked against the paper survey to ensure the anomaly was not due to data entry errors.

Due to small sample sizes within cells when considering differences between subgroups, the responses were recoded into numeric scores and only summary statistics between groups were compared. For all statistical tests an alpha level of 0.05 was used. Significance tests were conducted to assess whether there were differences in results based on the demographic variables. Due to the ordinal nature of the outcome variables, non-parametric testing was used to assess these differences for significance. Where applicable, a post-hoc test was conducted to determine which groups were significantly different.

Qualitative analysis of the free-text survey comments and group discussion was undertaken to identify themes and support the quantitative findings. This analysis was conducted manually, using Excel to code the free-text data into themes. This analysis was undertaken by one member of the research team to maintain consistency of coding.

Limitations

The generalisability of the findings presented in this study is limited, as focus group participants were not a representative sample of the Queensland population. Other limitations reflect those generally associated with focus group-based research design, particularly regarding sensitive and potentially emotive issues. Participants may not have felt comfortable presenting their honest views in front of other people, particularly in regional and remote locations, where participants were more likely to know each other. During focus group discussions, there is also a risk that one or more participants may dominate the discussion, even when facilitators seek to involve all participants equally. While these limitations are inherent to a focus group research design, every effort was made to ensure that the focus groups were run in a structured, inclusive, ethical and respectful manner.

As the primary intention of this research was to gain a deeper insight into issues raised by other research and consultation processes undertaken within the terms of reference, the Council was confident these limitations did not restrict the potential benefits associated with the use of focus groups. The notions of ‘appropriateness’ and ‘vulnerability’ were concepts referred to by the Attorney-General in the terms of reference and which could not be clearly examined without direct and targeted discussion with Queensland’s community. Due to constraints on time and budget, focus groups were the preferred approach to undertake these discussions.

Participant demographics

A total of 103 focus group participants took part in the study. Table 1 below provides an overview of the sociodemographic characteristics of the participants.

Table 1: Demographics of focus group participants (n=103)	
Demographic characteristic	Percentage
Gender	
Female	52.4
Male	47.6
Age	
18–39	26.2
40–59	39.8
60 and over	34.0
Indigenous status	
Aboriginal and/or Torres Strait Islander	4.9
Non-Indigenous	95.1
Highest education level	
Secondary (includes completion of Year 10, 11 or 12)	31.1
Post-secondary (includes completion of TAFE, college diploma or other professional qualification)	33.0
Tertiary (includes completion of undergraduate or postgraduate degree)	35.9
Employment status	
Formally employed (includes full-time, part-time and self-employed)	60.2
Not formally employed (includes home duties, pensioner, retiree, student and unemployed)	39.8
Location	
Urban	59.2
Regional/remote	40.8
Country of birth	
Australia	79.6
Outside Australia	20.4

Table 1: Demographics of focus group participants (n=103) (cont.)	
Demographic characteristic	Percentage
Marital status	
Currently partnered (includes married and de facto relationship)	69.9
Not currently partnered (includes single, widowed, separated and divorced)	30.1
Children/grandchildren	
Participant has children/grandchildren	76.7
Participant has no children/grandchildren	23.3
Children/grandchildren aged under 18 years	
Participant has children/grandchildren currently aged under 18	60.2
Participant has no children/grandchildren currently aged under 18	39.8

Note: Participant demographics were not targeted to be representative of Queensland's population

The sample selected for this study was not a random sample of, nor designed to be representative of, the Queensland population. However, a comparison of the sample to Queensland's 2016 Census population (Australian Bureau of Statistics 2016) shows the sample is representative of the Queensland population on a small number of demographic variables.

Consistent with the Queensland adult population, the sample comprised roughly equal proportions of males and females. The majority of the focus group sessions had approximately equal gender proportions and similar age group composition.

The sample was older than Queensland's adult population, with 34.0 percent of participants aged 60 years or over compared to 27.1 percent of Queensland's adult population. Just over one-quarter of the sample were aged 18 to 29, compared to 38.4 percent of the Queensland population. Nearly five percent of the sample identified as Aboriginal and/or Torres Strait Islander. This is slightly higher than the Queensland population, where 3.0 percent of Queenslanders identified as Aboriginal and/or Torres Strait Islander.

A lower proportion of the sample was formally employed compared to the Queensland population (aged 15 years and over). Three in five (60.2%) of the sample were employed, whereas nearly nine in 10 (87.9%) of the Queensland population were employed. This is likely due to the older age of the sample, with more people not working due to retirement.

The sample was more highly educated than the Queensland population: 18.3 percent of Queenslanders aged 15 and over at the 2016 census had completed a tertiary qualification (including a bachelor degree level and above); a further 27.0 percent had completed a post-secondary qualification (including diploma, advanced diploma and certificate level I and II); and 41.0 percent had a secondary school education (Year 12 or below). This compares to 35.9 percent of the sample with a tertiary level education, 33.0 percent with a post-secondary qualification, and 31.1 percent with a secondary school education.

A lower proportion of the sample was born overseas (20.4%) compared to the Queensland population aged 15 years and over (28.9%).

Results

This research paper focuses on participants' attitudes to crime and sentencing, their level of punitiveness, and their perception of the adequacy of sentencing for child homicide offences.

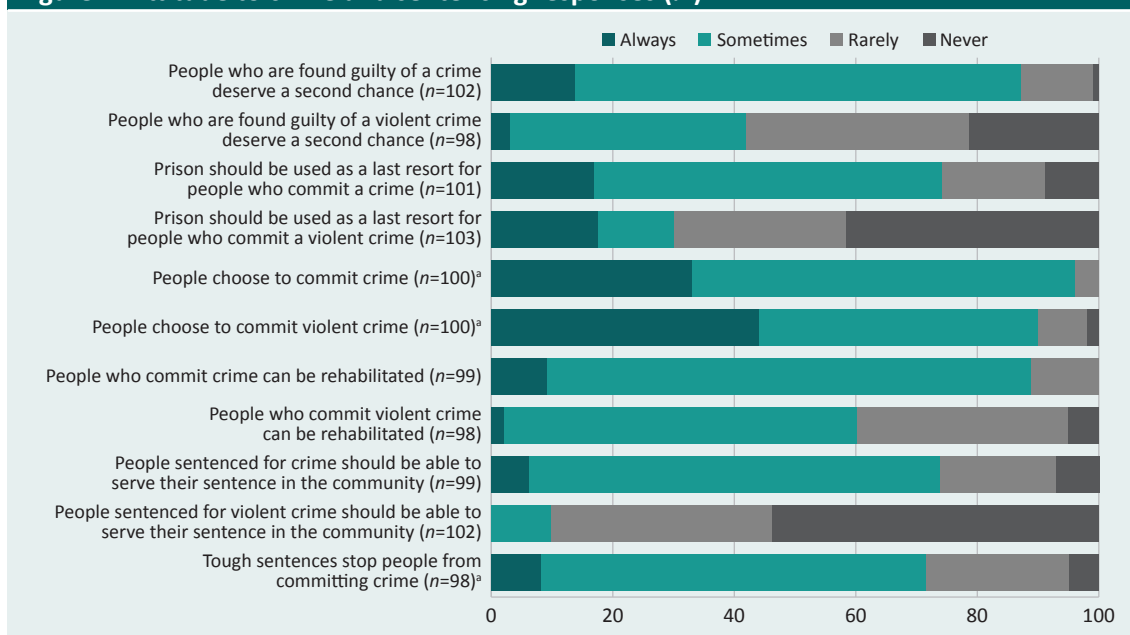
Attitude to crime and sentencing

Participants were asked to answer 11 questions to ascertain a baseline measure of their general attitude towards crime and sentencing, prior to being provided with more detailed information about child homicide in the lead-up to in-depth questioning. These questions focused on six key topics: (1) people deserve a second chance, (2) prison as a last resort, (3) people choose to commit crime, (4) people can be rehabilitated after committing crime, (5) people should be able to serve their sentence in the community, and (6) tough sentences stop people committing crime. Participants were asked to share their views on general crime, as well as violent crime—see *Appendix C* for the survey questions.

The survey results showed that participant responses varied based on the nature of the crime, with questions relating to a violent crime resulting in a more punitive response than questions relating to general crime (see Figure 1). While 41.8 percent of respondents felt that prison should never be used as a last resort for people who commit violent crime, only 8.9 percent shared this view concerning general crime. Similarly, 53.9 percent of participants felt that people sentenced for violent crime should never be able to serve their sentence in the community, compared to only 7.1 percent for general crime.

Remarkably, respondents also attributed greater personal responsibility to offenders of violent crime, with 44 percent of respondents believing that people 'always' choose to commit violent crime, compared to 33 percent for general crime. Participants seemed unsure about the extent to which offenders can be rehabilitated, with the majority of respondents declaring that people who commit crime can sometimes be rehabilitated (79.8%). In comparison, only 58.2 percent of participants believed that people who commit violent crime can sometimes be rehabilitated.

Figure 1: Attitude to crime and sentencing responses (%)



a: These questions are reverse coded, with the response of 'always' being the most punitive response and 'never' being the least punitive response

Responses to these survey questions provide an indication of overall punitiveness. Numerically coding the responses, with 'always' scored as 1 through to 'never' scored as 4, allowed summary statistics to be calculated. Table 2 below clearly indicates that participants responded more punitively to questions that specifically address violent crime.

The statement 'People sentenced for a violent crime should be able to serve their sentence in the community' received the highest average score of 3.4, while 'People who are guilty of a crime deserve a second chance' and 'People who commit crime can be rehabilitated' had the lowest average score of 2.0. 'Prison should be used as a last resort for people who commit violent crime' had a larger standard deviation (1.1) than any other question, indicating that imprisonment of violent offenders is a contentious issue.

Table 2: Attitude to crime and sentencing

Attitude to crime and sentencing survey question	n	Mean	Median	Minimum score	Maximum score	Standard deviation
People who are found guilty of a crime deserve a second chance	102	2.0	2	1	4	0.5
People who are found guilty of a violent crime deserve a second chance	98	2.8	3	1	4	0.8
Prison should be used as a last resort for people who commit crime	101	2.2	2	1	4	0.8
Prison should be used as a last resort for people who commit violent crime	103	2.9	3	1	4	1.1
People choose to commit crime ^a	100	3.3	3	2	4	0.5

Table 2: Attitude to crime and sentencing (cont.)						
Attitude to crime and sentencing survey question	<i>n</i>	Mean	Median	Minimum score	Maximum score	Standard deviation
People choose to commit violent crime ^a	100	3.3	3	1	4	0.7
People who commit crime can be rehabilitated	99	2.0	2	1	3	0.5
People who commit violent crime can be rehabilitated	98	2.4	2	1	4	0.6
People sentenced for crime should be able to serve their sentence in the community	99	2.3	2	1	4	0.7
People sentenced for violent crime should be able to serve their sentence in the community	102	3.4	4	2	4	0.7
Tough sentences stop people from committing crime ^a	98	2.7	3	1	4	0.7

a: These questions are reverse coded, with the response of 'always' being the most punitive response and 'never' being the least punitive response

Overall, this study found that participants believe that violent offenders should receive harsher penalties than offenders committing general (non-violent) crime.

Punitiveness score

The numerically coded responses to each question were summed to compute a scale score for each participant. Only participants who answered all 'attitude to crime and sentencing' questions were able to be included in this analysis, decreasing the sample size to 80. No significant differences were found between the demographics of those who answered all 'attitude to crime and sentencing' questions and those who did not.

The minimum, and least punitive, score available on this scale is 11. The maximum, and therefore most punitive, score available is 44. Higher scores are indicative of harsher attitudes to crime and punishment. The participant punitiveness scores ranged from 20 to 37, indicating that they clustered in the mid-to-high punitiveness range.

Differences in minimum and maximum scores could be observed for some demographic groups (see Table 3). The responses of participants aged 60 years and over tended to cluster towards the middle of the punitiveness score range ($SD=2.5$), with scores ranging from 25 to 35. In comparison, participants aged 18 to 39 provided a broader range of responses and were assigned scores ranging from 20 to 37 ($SD=4.7$). Those without children or grandchildren had the lowest minimum and maximum scores, suggesting they are slightly less punitive compared to participants with children or grandchildren. However, there were no statistically significant differences in the average punitiveness score by any sociodemographic group. Differences in punitiveness scores based on Aboriginal and Torres Strait Islander status were not tested due to the small number of participants identifying as such.

Table 3: Punitiveness score by demographics						
Demographic characteristic	<i>n</i>	Mean	Median	Minimum score	Maximum score	Standard deviation
All participants	80	29.3	29.0	20	37	3.9
Gender						
Female	40	29.6	31.0	20	37	4.1
Male	40	28.9	29.0	21	37	3.7
Age group						
18–39 years	21	28.8	30.0	20	37	4.7
40–59 years	32	29.6	31.0	21	37	4.4
60 years and over	27	29.3	29.0	25	35	2.5
Highest education level						
Secondary	22	30.5	31.0	22	37	4.3
Post-secondary	26	29.5	29.5	22	35	3.1
Tertiary	32	28.1	28.5	20	35	4.0
Employment status						
Formally employed	50	29.4	30.5	20	37	4.6
Not formally employed	30	29.1	29.0	25	35	2.4
Location						
Urban	50	29.7	29.5	20	37	3.6
Regional/remote	30	28.6	29.0	21	37	4.3
Country of birth						
Australia	64	29.4	29.0	21	37	3.8
Outside Australia	16	28.8	29.5	20	35	4.4
Marital status						
Currently partnered	56	29.4	29.0	20	37	4.0
Not currently partnered	24	28.8	29.5	21	35	3.8
Children/grandchildren						
Has children/grandchildren	63	29.3	29.0	21	37	3.8
Does not have children/grandchildren	17	29.0	30.0	20	34	4.3
Children/grandchildren currently aged under 18 years						
Has children/grandchildren currently aged under 18	50	29.3	29.0	22	37	3.9
Does not have children/grandchildren currently aged under 18	30	29.2	30.0	20	35	4.0

For use in further analysis, a punitiveness score was derived for each participant. Participants were divided into three categories based on their ‘attitude to crime and punishment’ score by dividing the score range (20 to 37) into equal thirds, resulting in low (20 to 25), medium (26 to 31) and high (32 to 37) punitiveness groups.

Adequacy of sentencing for child homicide offences

This study explores community views of the appropriateness of sentences imposed for child homicide offences and factors impacting on participants' assessment of sentence adequacy. Participants were asked to consider three real child manslaughter cases that had been sentenced in Queensland. Participants were informed that these were real cases. While the details presented were no more graphic than those provided in a media report, participants were able to leave at any point and were reminded of the support services available to them.

In an earlier focus group activity (not presented in this report), participants were informed by the facilitator what the definition of manslaughter is in Queensland, the range of circumstances it can apply to, and that it carries a maximum penalty of life imprisonment. The concept of parole was also explained, specifically in relation to a life sentence.

Participants were provided with detailed (de-identified) information about the cases of 'Jane', 'Frank' and 'Alan'. The information presented in the boxes below is the exact information provided to participants about each case. The case was read aloud by a member of the research team and participants were also provided with a laminated copy of the case.

An earlier study by Fox and Freiberg (1990) commented on the importance of ensuring enough specificity is provided to respondents when they are asked to judge offence seriousness. To address this, participants were deliberately provided comprehensive details about the offender and the offence in each case, including factors such as offender demographics and intentionality. These cases were selected by the Council to represent different categories of manslaughter, and different offence circumstances and levels of offender culpability. The Council was also careful to select cases that were not recent or that had not received strong media attention in order to reduce the likelihood of participants already being aware of the facts and outcome of the case. The cases were presented in order of offence seriousness, from least to most serious.

Participants were asked to determine whether the sentence imposed was adequate, rating each either 'extremely inadequate', 'somewhat inadequate', 'adequate', 'somewhat high', or 'extremely high', and to comment on why they had provided that rating (see *Appendix D* for the survey questions). To allow for analysis of summary statistics, these scores were numerically coded as -2 through to 2, with a negative score (-1 and -2) for the 'inadequate' responses, 0 for an 'adequate' rating, and a positive score (1 and 2) for the 'high' responses.

After completion of the paper survey, the group discussed the adequacy of the sentences given and the factors in each case that had influenced their opinion.

Jane

Jane's case was selected to be an example of the 'least serious' end of the spectrum of child manslaughter offences.

The case

A 28-year-old mother, Jane, pleaded guilty to the manslaughter by criminal negligence of her three-month old baby daughter, Kate. Kate drowned after being left in the bath unattended while the water was running while Jane made phone calls. When Jane discovered Kate in the bath, she sought immediate assistance to save her. At the time of the offence, Jane was affected by severe mental illness, a factor identified as contributing to her offence. Jane's mental illness developed as a result of an extensive history of family violence at the hands of her father and uncles. This abuse involved emotional and physical violence, as well as forced isolation. Originally from a non-English speaking country, Jane's mental state at the time of the offence was also affected by her isolation in Australia due to language and cultural differences, limited support from Kate's father and life pressures. By the time she was sentenced Jane had another child and was pregnant with her third. At the time of sentence, Jane was being treated by a psychiatrist, had secured assistance from parental support agencies, and her husband, Kate's biological father, was providing additional parental and spousal support. Jane expressed remorse. Jane did not have a previous criminal history.

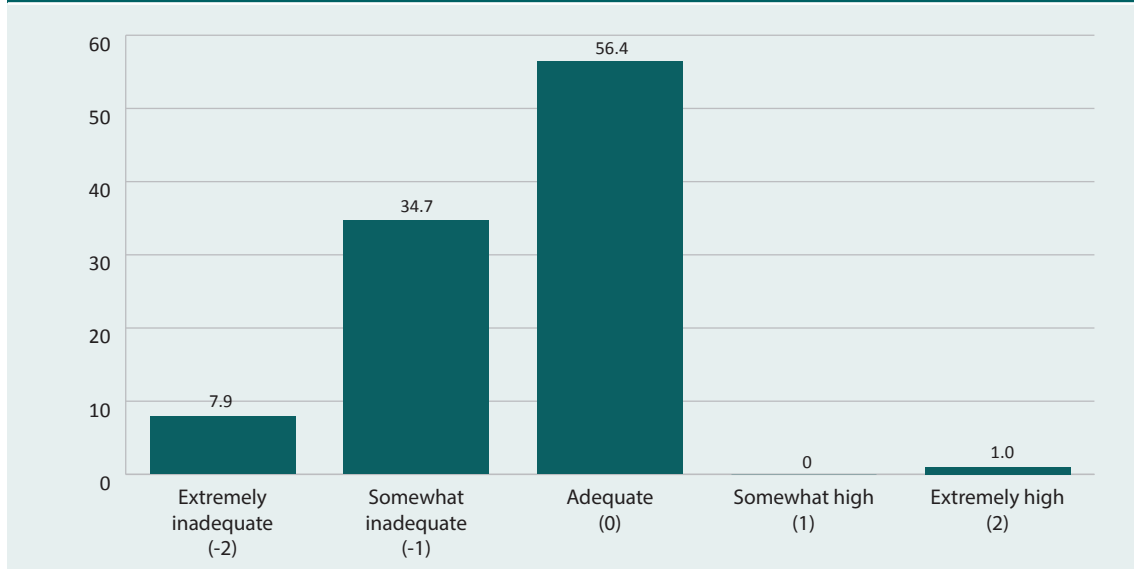
The sentence

The judge sentenced Jane to 18 months' imprisonment, with release on parole on the day of her sentence. The judge required Jane to report to a probation and parole officer the next day.

Note: All names have been changed

As shown in Figure 2, the vast majority of participants found Jane's sentence to either be appropriate or somewhat too lenient. Over half of respondents (56.4%) thought the sentence of 18 months with immediate release on parole imposed for Jane was adequate. About a third (34.7%) thought the sentence was 'somewhat inadequate' and a further eight percent indicated that the sentence was 'extremely inadequate', meaning they believed the sentence to be far too lenient.

Figure 2: Perception of adequacy of sentence for Jane's case (%) (n=101)



The mean sentence adequacy score of -0.5 for Jane's case suggests that most participants perceived her sentence to be appropriate for the crime she had committed (median=0.0, $SD=0.69$).

Non-parametric testing was conducted to assess statistical significance of group differences in sentence adequacy score by participants' level of punitiveness and sociodemographic variables.

Using the Kruskal-Wallis test of significance, the findings suggest that sentence adequacy scores were significantly affected by participants' levels of punitiveness, $H(2)=9.92$, $p=0.007$ (see Table 4).

The Dwass-Steel-Critchlow-Fligner pairwise comparison method, which controls for the familywise error rate, was used for post-hoc analysis of the different levels of punitiveness. Participants who were highly punitive had lower median sentence adequacy scores (ie they thought the sentence was too lenient, median= -1.0) compared to those with medium (median=0.0, $p=0.041$) and low punitiveness scores (median=0.0, $p=0.014$). This finding indicates that there was alignment between a participant's general attitudes towards crime and their assessment of Jane's sentence. There were no significant differences found between those who scored low in punitiveness compared to those with medium punitiveness scores.

The differences in adequacy scores across sociodemographic variables were examined using the Wilcoxon-Mann-Whitney test. Gender was the only variable that showed a significant group difference in the median adequacy scores. Male participants thought the sentence was more adequate (median=0.0) than female participants (median= -1.0 , $z=2.14$, $p=0.032$, $r=0.21$).

Some studies, such as those by Roberts and Indermaur (2007) and Spiranovic, Roberts and Indermaur (2012), have reported different results from the current findings, where males were found to be more punitive. These differences between this study's findings and earlier research may be due to the different questions asked and the nature of the specific offences being considered.

Research from the United Kingdom into sentencing of homicide offences by Mitchell (1998) found that accidental killings were seen as the least serious form of homicide because there was no intent to kill, and that women and participants who were parents rated accidental killings slightly more seriously than males and those with no children (noting these were not cases with child victims).

Table 4: Perception of adequacy of sentence for Jane's case, by demographics						
Demographic characteristic	<i>n</i>	Mean	Median	Minimum score	Maximum score	Standard deviation
All participants	101	−0.5	0.0	−2	2	0.7
Gender*						
Female	53	−0.6	−1.0	−2	2	0.7
Male	48	−0.4	0.0	−2	0	0.6
Age group						
18–39 years	27	−0.5	0.0	−2	2	0.8
40–59 years	41	−0.6	−1.0	−2	0	0.6
60 and over	33	−0.4	0.0	−2	0	0.6
Highest education level						
Secondary	30	−0.4	0.0	−2	2	0.8
Post-secondary	34	−0.6	0.0	−2	0	0.7
Tertiary	37	−0.5	0.0	−2	0	0.6
Employment status						
Formally employed	62	−0.5	0.0	−2	2	0.8
Not formally employed	39	−0.4	0.0	−2	0	0.5
Location						
Urban	61	−0.4	0.0	−2	0	0.6
Regional/remote	40	−0.6	0.0	−2	2	0.8
Country of birth						
Australia	81	−0.5	0.0	−2	2	0.7
Outside Australia	20	−0.5	0.0	−2	0	0.7
Marital status						
Currently partnered	70	−0.5	0.0	−2	2	0.7
Not currently partnered	31	−0.4	0.0	−2	0	0.6
Children/grandchildren						
Has children/grandchildren	77	−0.6	0.0	−2	0	0.7
Does not have children/grandchildren	24	−0.3	0.0	−2	2	0.7
Punitiveness score*^a						
Low score	17	−0.1	0.0	−1	2	0.7
Medium score	43	−0.4	0.0	−2	0	0.6
High score	20	−0.9	−1.0	−2	0	0.8

* $p < 0.05$ (statistically significant), based on Wilcoxon-Mann-Whitney test or Kruskal-Wallis test (dependent on the number of groups)

a: Only participants who answered all 'attitudes to crime and sentencing' questions had a punitiveness score ($n=80$)

During the focus group discussions, participants were asked to explain the reasoning behind their assessment of Jane's sentence. Participants frequently referred to mental health, followed by the accidental nature of the offence, the lack of active violence against the child victim, Jane's immediate attempts to seek assistance and her high level of cooperation.

Participants who perceived the sentence as adequate focused on mitigating circumstances, including the lack of intention, difficulties in Jane's life at the time of the offence and her family history. Several participants felt that Jane's sentence was adequate and that she 'should not serve prison time' as 'the implications of the whole case and her sentencing are more than enough to rehabilitate her and ensure it doesn't happen again' (A05, male participant, urban location). Further, many participants raised the point that the death of Jane's baby was not intentional: 'it was a true accident with a little bit of negligence by a disadvantaged offender' (F09, male participant, urban location) and 'she didn't plan this crime [or] show any violence, she just was distracted' (B09, female participant, urban location). Participants who believed Jane's sentence to be adequate frequently referred to the theme of remorse, with a male regional/remote participant stating: 'She was remorseful. Based on the fact that she specifically sought out assistance based on her mental health before the incident, showed good intent and consideration to care for Kate' (C04).

Participants who considered Jane's sentence was 'somewhat inadequate' emphasised the vulnerability of the victim and the need to deter similar behaviour in the future. For a male participant from a regional/remote area (D02), the 'loss of a child's life' and the 'vulnerability of the victim' were primary considerations when assessing the adequacy of Jane's sentence. A female participant from a regional/remote location (D07) believed that Jane should have been punished for her crime: 'There is no punishment for her negligence and her baby died under her supervision. [There's] no deterrence for this to happen again in the future for the individual or [in] general'.

The few participants who felt that the sentence was 'extremely inadequate' expressed concern for the welfare of Jane's other children. One participant was concerned that Jane might be negligent with her other children in the future: 'There was no retribution with Jane being allowed to keep her other children. What happens if it happens again?' (A03, male participant, urban location). Another participant referred to Jane's failure to fulfil her duty of care towards the child:

“

A child has died and it was Jane's fault. She did not mean for the child to die but did not look after the child well enough. She claimed the 'usual' mental problems to get out of trouble but has had two more children in the meantime. I hope she doesn't make the same mistake again but she should not have gotten off so lightly. (I07, male participant, urban location)

Concern for the level of support and rehabilitation Jane would receive was a dominant theme expressed in the focus group discussions. One participant felt that ‘Jane needs education and support, not jail time’ (J10, female participant, regional/remote location) while another stated that ‘she needs follow-up visits to make sure she is still being supported and hasn’t fallen through the cracks. Someone needs to check on Jane to make sure the children are OK’ (J06, female participant, regional/remote location). Several participants emphasised the long-term support required:

“

There should be some form of rehab and parenting skills. Learning about how to deal with a baby, especially as she had more and one on the way. Extended help would be required for many years and constant checking as to how she copes with life. (H05, female, urban location)

Another participant declared that ‘there needed to be a long-term plan developed for her with the assistance of professionals’ (I13, female participant, urban location).

Mental health was another theme that was frequently referred to in the focus group discussions, with the question of whether mental health was a mitigating factor proving controversial and leading to heated debate. Participants who categorised the sentence as adequate considered Jane’s mental health struggles to be a mitigating factor. Other participants who found Jane’s sentence to be inadequate agreed that her mental health issues needed to be addressed but maintained that mental health problems could not excuse Jane’s negligent behaviour. In addition to focusing on mental health, Jane’s expression of remorse and the lack of intentionality and violence in the offence were crucial considerations for participants.

Frank

Frank’s case was selected by the Council as an example of a ‘mid-range offence’ within the spectrum of child manslaughter offences. No information was provided to the participants regarding the charging and sentencing outcome for ‘Lisa’, the mother of the child victim. This was a deliberate choice by the Council as Frank and Lisa were charged and sentenced separately and had differing levels of culpability. It was decided that divulging information about Lisa’s case could influence participants’ views on Frank’s case.

The case

Frank pleaded guilty to manslaughter by criminal negligence of Ella, his eight-year-old stepdaughter. Frank's de facto partner and Ella's biological mother, Lisa, also pleaded guilty to the manslaughter of Ella. Frank and Lisa had other children together who also resided in the same family home however they were not subject to any violence. Frank was aware that Lisa was assaulting Ella and asked her to stop. Ella sustained extensive injuries from repeated violent assaults at the hands of Lisa over a number of weeks. Paramedics were called to the family home, but Ella was unable to be revived. Frank told paramedics that Lisa's assaults on Ella had been happening for weeks, mainly while he was at work. The judge remarked that Ella would have experienced a prolonged and extremely painful death, and that Ella's deterioration would have been obvious to anyone who saw her. While Frank did not cause the injuries that led to Ella's death, he failed in his duty to remove or adequately protect Ella from her mother's repeated assaults, and he failed to seek medical assistance for her. The judge accepted that Frank may not have realised Ella was fatally injured. Frank expressed remorse. Frank did not have a previous criminal history and references revealed he was of good character and had a good work history.

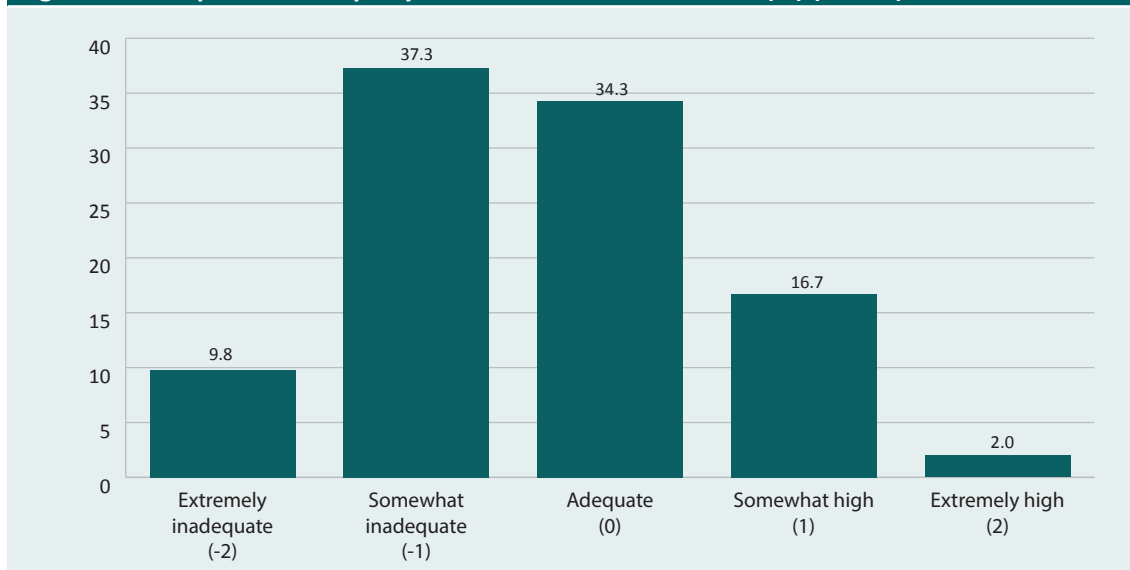
The sentence

The judge sentenced Frank to three years' imprisonment and ordered he be released on parole after nine months in prison.

Note: All names have been changed

Frank's case routinely divided participants and provoked substantial debate, as participants found the case particularly challenging to assess. In contrast to the assessment of Jane's case, the spread in adequacy assessment for Frank's case was wider, with more responses at either end of the scale ($SD=0.94$), as shown in Figure 3. Participants were divided in their assessment of Frank's sentence, with nearly equal numbers rating the sentence as 'adequate' and 'somewhat inadequate' (34.3% and 37.3% respectively).

Figure 3: Perception of adequacy of sentence for Frank's case (%) (n=102)



Gender was one of the sociodemographic variables that showed a significant difference between groups in the median adequacy scores of the given sentence for Frank's case (see Table 5). Females rated the sentence as less adequate (ie too lenient, median=-1.0) than males (median=0.0, $z=2.05$, $p=0.041$, $r=0.20$).

A significant difference was also found based on the age of the participants ($H=11.92$, $p=0.003$). Post-hoc analysis showed that participants aged 40 to 59 years had a significantly lower median score (median=-1.0) than those aged either 18 to 39 years old (median=0.0, $p=0.021$) or aged 60 and over (median=0.0, $p=0.004$). There were no significant differences found in adequacy scores given in Frank's case based on the other sociodemographic variables or different levels of punitiveness.

Table 5: Perception of adequacy of sentence for Frank's case, by demographics						
Demographic characteristic	<i>n</i>	Mean	Median	Minimum score	Maximum score	Standard deviation
All participants	102	-0.4	0.0	-2	2	0.9
Gender*						
Female	53	-0.5	-1.0	-2	2	1.0
Male	49	-0.2	0.0	-2	2	0.9
Age group*						
18-39	27	-0.1	0.0	-2	2	1.0
40-59	41	-0.7	-1.0	-2	1	0.8
60 and over	34	-0.1	0.0	-2	2	0.9
Highest education level						
Secondary	31	-0.1	0.0	-2	2	1.0
Post-secondary	34	-0.5	-1.0	-2	2	0.9
Tertiary	37	-0.4	0.0	-2	1	0.9
Employment status						
Formally employed	62	-0.4	-1.0	-2	2	1.0
Not formally employed	40	-0.3	0.0	-2	2	0.9
Location						
Urban	60	-0.3	0.0	-2	2	0.9
Regional/remote	42	-0.4	-0.5	-2	2	1.0
Country of birth						
Australia	82	-0.3	0.0	-2	2	0.9
Outside Australia	20	-0.5	0.0	-2	2	1.1
Marital status						
Currently partnered	71	-0.4	0.0	-2	2	1.0
Not currently partnered	31	-0.4	0.0	-2	1	0.9
Children/grandchildren						
Has children/grandchildren	78	-0.4	0.0	-2	2	0.9
Does not have children/grandchildren	24	-0.2	0.0	-2	2	0.9
Children/grandchildren currently aged under 18 years						
Has children/grandchildren currently aged under 18	61	-0.4	-1.0	-2	2	0.9
Does not have children/grandchildren currently aged under 18	41	-0.2	0.0	-2	2	0.9
Punitiveness score^a						
Low score	17	-0.1	0.0	-2	2	1.1
Medium score	43	-0.4	-1.0	-2	2	1.0
High score	20	-0.5	-0.5	-2	1	0.8

*statistically significant at $p < 0.05$

a: Only participants who answered all 'attitudes to crime and sentencing' questions had a punitiveness score ($n=80$)

Participants expressed diverse views regarding the key factors that influenced their assessment of the appropriateness of Frank's sentence. Frank's failure to intervene and seek medical assistance was frequently referred to by participants, who were divided in their assessment as to how Frank's inaction should be reflected in his sentence. Some participants stated that because Frank did not inflict the injuries himself, the sentence was either adequate or too high. Others believed that due to his failure to protect a vulnerable child, his sentence was too lenient.

Participants who believed Frank's sentence to be adequate or too high explained that while Frank should have done more to stop the assault or report the offending, he was not responsible for the harm inflicted on the victim. While several participants indicated that Frank was negligent and did not fulfil his duty of care, they believed that he was not to blame for the death of the child. An urban female participant declared that 'Frank was guilty of bad judgement in not getting help in time but he was not responsible for the death of Ella' (B03).

Some participants stated that as Frank did not inflict the injuries, he should have received a lighter sentence. A male participant from an urban location stated, 'the sentence seems high as Frank did not commit the crime and would not have known his wife's motives' (E05). Other participants stated that since Ella was not his biological child, his ability to prevent the abuse may have been diminished. One participant explained that 'Ella was not his biological daughter and the natural mother may have had more influence on disciplining Ella' (H08, male participant, urban location), while another believed that 'Frank was restricted in the fact Ella was not his biological daughter' (D11, male participant, regional/remote location).

In contrast, participants who believed that Frank's sentence was inadequate argued that his failure to provide protection or seek assistance was a serious contributor to the child's death. A male urban participant stated that 'he knew what was going on. He should have done more' (E10), while a female urban participant was outraged that 'Frank watched and did nothing. He'd witnessed the violence and was aware it was happening when he was at work but did nothing' (B05). Others emphasised the fact that Frank had the opportunity to save Ella's life, but failed to intervene in time. According to an urban female participant, 'he had a duty of care to Ella and could have saved her life and chose not to. There is no excuse for that' (J02).

Participants who rated Frank's sentence as somewhat inadequate referred to the purpose of deterrence during the focus group discussion. A male participant from a regional/remote location (C04) declared that 'because he was aware of his daughter's situation beforehand but did nothing to prevent it, there should be a stronger deterrent for such criminal negligence'. Another participant said that '[there] needs to be a message sent that although you have not committed the violence, you can still be held responsible and there are consequences to just doing nothing' (E04, female participant, urban location).

Some participants indicated that Frank's sentence was extremely inadequate and should have been higher as Frank failed to prevent the death of a vulnerable child in need of the protection of an adult. According to a female urban participant (I11), 'he had every duty to protect that child. Obviously, he did not try hard enough because it was not his biological child. He was the adult and needed to stand up for that child as well. Too little, too late'. Another participant felt that 'Frank could have intervened at any time and saved this child's life. He chose not to. His sentence should have been much longer' (F04, female participant, urban location). Participants who believed Frank's sentence to be inadequate declared that while Frank did not inflict the injuries, he was equally to blame. A female participant from a regional/remote location stated:

“

Whilst he did not inflict the injuries, he has the same level of responsibility in Ella's death. By not stopping the abuse, not removing the child, by not contacting authorities, did not provide or seek any medical assistance whatsoever. He is an adult, intelligent [enough] to know right from wrong. (J14)

The focus group discussions of Frank's case focused on his failure to intervene to prevent the abuse and get medical assistance. While participants agreed that Frank did have a duty of care towards Ella, opinions regarding how his sentence should appropriately reflect his failure to protect Ella differed widely.

Alan

Alan's case was selected by the Council as an example of the 'most serious' end of the spectrum of child manslaughter offences. While it may seem that a sentence of eight and a half years imprisonment does not adequately represent the upper end of the sentencing spectrum when the maximum penalty is life imprisonment, this case is close to the longest imprisonment sentence for a child manslaughter offence in Queensland between 2005–06 and 2016–17. The longest imprisonment sentence for a child manslaughter offence was 10 years (Queensland Sentencing Advisory Council 2018a), but this case was deliberately excluded as a possible case study due to the victim being substantially older than the children in the other two case studies.

The case

Alan is a 33-year-old father who pleaded guilty to the manslaughter of his biological son, John, who was aged two years and eight months old at the time of the offence. John had previously been removed from the care of Alan and his biological mother, Sarah, but he was returned to their care at their family home almost one year prior to the offence. Alan and Sarah have another older child together who was also residing at the family home. On the day of the offence, John was in the care of Alan at their family home when he sustained extensive injuries. Alan struck John at least twice to the head, with at least one strike being inflicted with a loop of electrical cord. Alan left John unattended and when he returned to discover John unresponsive in his bed, he immediately sought medical help. However, Alan lied to the medical staff about how John's injuries had been sustained. The judge noted that by that stage, medical help could not have saved John as a result of the extent of his injuries. Alan subsequently partially explained to police what had happened to John but also placed blame on Sarah. Medical evidence confirmed John had suffered extensive injuries leading to his death, and that there was a history of violent abuse. Alan admitted he had excessively disciplined John, often involving implements. Alan was maltreated as a child and had a history of substance misuse. Alan expressed remorse. Alan did not have a previous criminal history.

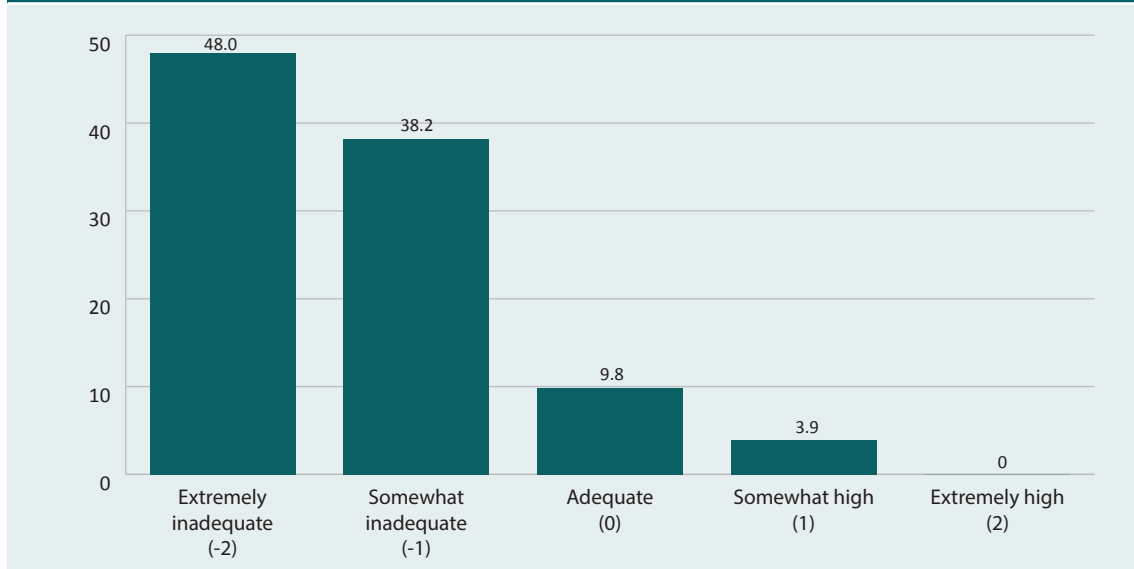
The sentence

The judge sentenced Alan to eight and a half years' imprisonment and made no recommendation about parole eligibility. This means that Alan would be eligible to apply for parole after serving half of his sentence.

Note: All names have been changed

Alan's case received the strongest reaction from participants. Nearly nine in 10 participants (86.2%) felt that the sentence of eight and a half years with no parole eligibility date set was inadequate, with almost half of all participants stating that the sentence was extremely inadequate (48.0%) (Figure 4). A mean score of -1.3 is reflective of the overall agreement among participants that the sentence was too low (median= -1.0 , $SD=0.8$) (Table 6).

Figure 4: Perception of adequacy of sentence for Alan's case (%) (n=102)



A significant difference was found in the median values of the adequacy scores given in Alan's case based on participants' level of punitiveness, $H=8.39$, $p=0.015$ (see Table 6). Those who scored as highly punitive gave the lowest median adequacy scores (median=-2.0), compared to participants with medium (median=-1.0) and low punitiveness scores (median=-1.0).

Post-hoc analysis showed that a significant difference was only found between participants with high and medium punitiveness scores, $p=0.012$, $r=0.32$. In other words, those who were very punitive thought that the adequacy of the sentence was low compared to those who were neutral in their punitiveness. No statistically significant differences were observed between the other groups.

Among the different sociodemographic characteristics, significant differences were observed between participants who had children/grandchildren (regardless of age) and those who did not. Participants with children/grandchildren rated Alan's sentence as less adequate (ie too lenient; median=-2.0) compared to those without children or grandchildren (median -1.0, $z=2.09$, $p=0.037$, $r=0.21$).

This finding was also evident when differences between participants who had young children/grandchildren (under 18) and those without were assessed. Similar to the findings above, participants with children/grandchildren under 18 years old rated Alan's sentence as less adequate (ie too lenient; median=-2.0) than those without young children or grandchildren (median -1.0, $z=2.51$, $p=0.012$, $r=0.25$).

Due to the brutality of Alan's crime, participants with young children or grandchildren seemed to perceive his crime as particularly serious, warranting a higher penalty. This effect seemed to be stronger if their children or grandchildren were aged under 18 years old (as indicated by a higher effect size). This result is mirrored in Mitchell's (1998) study, which found that respondents with children or grandchildren were more likely to choose child killings as the worst homicide offence, with 59 percent of respondents choosing this as the worst type of homicide, compared to 44 percent of those without children or grandchildren.

While not statistically significant, participants with a tertiary education thought the sentence was more adequate than those with a secondary education. Multiple Australian studies have found that punitiveness decreases with increasing levels of education, including work by Roberts and Indermaur (2007), Gelb (2011) and the Sentencing Advisory Council Victoria (2012).

Table 6: Perception of adequacy of sentence for Alan's case, by demographics						
Demographic characteristic	<i>n</i>	Mean	Median	Minimum score	Maximum score	Standard deviation
All participants	102	-1.3	-1.0	-2	1	0.8
Gender						
Female	53	-1.3	-2.0	-2	1	0.9
Male	49	-1.3	-1.0	-2	1	0.7
Age group						
18–39	27	-1.1	-1.0	-2	1	0.8
40–59	41	-1.5	-2.0	-2	1	0.8
60 and over	34	-1.2	-1.0	-2	1	0.8
Highest education level						
Secondary	31	-1.5	-2.0	-2	1	0.9
Post-secondary	34	-1.4	-1.0	-2	1	0.7
Tertiary	37	-1.1	-1.0	-2	1	0.8
Employment status						
Formally employed	62	-1.4	-2.0	-2	1	0.8
Not formally employed	40	-1.2	-1.0	-2	1	0.8
Location						
Urban	60	-1.3	-1.5	-2	1	0.8
Regional/remote	42	-1.3	-1.0	-2	1	0.8
Country of birth						
Australia	82	-1.2	-1.0	-2	1	0.8
Outside Australia	20	-1.6	-2.0	-2	0	0.6
Marital status						
Currently partnered	71	-1.3	-1.0	-2	1	0.8
Not currently partnered	31	-1.2	-1.0	-2	1	0.8
Children/grandchildren*						
Has children/grandchildren	78	-1.4	-2.0	-2	1	0.8
Does not have children/grandchildren	24	-1.0	-1.0	-2	1	0.8
Children/grandchildren currently under 18 years*						
Has children/grandchildren currently aged under 18	61	-1.5	-2.0	-2	1	0.7
Does not have children/grandchildren currently aged under 18	41	-1.1	-1.0	-2	1	0.8

Table 6: Perception of adequacy of sentence for Alan's case, by demographics (cont.)

Demographic characteristic	<i>n</i>	Mean	Median	Minimum score	Maximum score	Standard deviation
Punitiveness score^{*a}						
Low score	17	-1.1	-1.0	-2	0	0.9
Medium score	43	-1.2	-1.0	-2	1	0.7
High score	20	-1.7	-2.0	-2	1	0.8

*statistically significant at $p < 0.05$

a: Only participants who answered all 'attitudes to crime and sentencing' questions had a punitiveness score ($n=80$)

During the focus group discussion, participants clearly expressed their dissatisfaction with the sentence imposed on Alan. Alan's case provoked the strongest reaction from participants and, at times, the language and engagement in the discussion became very emotional. One urban male participant (I05) stated: 'Alan is a dick, who the **** hits a kid with a power cord in the head. 4.25 years for killing a kid. Should be 20 years'.

Participants frequently referred to the level and prolonged history of violence as key considerations that impacted on their assessment of Alan's sentence. One male urban participant (E09) stated that 'this is a case of ongoing abuse and should be treated as such' and another declared that it was a 'malicious repeated history of being violent towards the child. [The] child had previously been removed and returned, which points to Alan knowing that it wasn't appropriate discipline' (J12, female participant, regional/remote location). Another female participant from a regional/remote location clearly expressed her dissatisfaction with the sentence, stating 'considering the age of the child and the fact that the abuse was extensive and ongoing, this sentence was extremely inadequate' (C02).

The vulnerability of the victim, who was only two years old when he was killed, was a dominant theme in the focus group discussions. Participants felt outraged about the fact that Alan killed a 'defenceless child': 'The child was very small and unable to stand up for himself' (F03, female participant, urban location). His young age was an important consideration for participants. One female urban participant (I04) stated that 'at age two years eight months he should have been protected', while another participant declared that 'a two-year-old cannot do anything to warrant such treatment' (C05, male participant, regional/remote location). Mitchell (1998) also found that the defencelessness of a homicide victim, particularly for children, increased the perceived seriousness of the offence.

Alan's role as the child's father and his corresponding duty to protect his child were dominant themes expressed by focus group participants. One participant stated that 'such extensive abuse of a young child by a parent is deserving of a much harsher sentence' (A05, male participant, urban location). In addition, some participants felt that the victim's age should have been taken into consideration when determining Alan's sentence: 'An attack of a 33 [year old] on a two year eight month old defenceless child leading to death needs to be a lot more severe in terms of sentencing' (A03, male participant, urban location). Mitchell (2000) also found the perception that adults have a general responsibility to protect minors as a key consideration in the seriousness of homicide offences with child victims, along with the need to protect the weak and vulnerable.

In addition, participants were outraged by Alan's behaviour after the offence, as he failed to seek immediate medical assistance, lied to hospital staff and tried to blame his partner for the offence. One participant found that 'not admitting initially to the abuse demonstrates his knowledge that it was clearly wrong!' (C02, female participant, regional/remote location) and another stated that 'Alan's actions had been sustained and planned and he had neglected to organise medical support in a timely way. His negligence was compounded by lying' (G02, female participant, regional/remote location). Another participant declared that 'he knew what he was doing and by blaming his partner, [he] shows a conscious decision. I would have liked the full sentence with no possibility of parole' (E05, male participant, urban location).

Participants felt strongly that it was inappropriate for Alan to be eligible for parole, which was perceived as weakening and undermining the sentence. A female urban participant declared 'he was a defenceless child. There should not be parole after only half the sentence. This makes the death of their son seem so little in worth' (H03). Participants were outraged that Alan was eligible to apply for parole after only four and a half years of imprisonment:

“

It concerns me that Alan is able to apply for parole and that there has been no direction from the judge. The severe abuse and subsequent injuries of the child deserves a harsher penalty. (A08, female participant, urban location)

“

This sentence means Alan could possibly be on parole after 4.5 years of incarceration—for manslaughter! This is not an adequate punishment nor is it sending a suitable message to the community. (C06, female participant, regional/remote location)

Participant views on parole are supported by research conducted by Fitzgerald et al. (2016), which found a lack of support for parole, particularly for violent offending. Over half of the participants in the Fitzgerald et al. study either opposed parole or believed that at least 80 percent of a sentence should be served.

While some participants in the current study believed that, overall, Alan's sentence was appropriate, they felt that he should have to serve his whole sentence. One participant stated that 'Alan is completely responsible for John's death. I do not think Alan should be eligible for parole' (A10, female participant, urban location), while another declared that 'serious violent child bashers do not deserve parole' (F09, male participant, urban location).

Alan's previous history was not perceived as a suitable excuse for his offence. Participants felt that 'substance misuse or alcohol should not be used as an excuse' (D11, male participant, regional/remote location). Alan's own troubled childhood was not regarded as a mitigating factor, with participants clearly stating that he should have known better: 'If you are mistreated as a child, surely you wouldn't want your child to go through the same pain' (C05, male participant, regional/remote location). Another participant stated that:

“

Alan knew exactly what he was doing and should have known from his past what that so-called discipline felt like. He meant to inflict heavy damage on a defenceless child. He is a danger to others. (D10, female participant, regional/remote location)

The need to protect the community and deter others from similar offending were regarded as key considerations when assessing the appropriateness of Alan's sentence. According to one participant, 'Society needs to be protected from Alan. There is insufficient deterrence and denunciation' (F09, male participant, urban location). Another participant stated:

“

I do not believe Alan should be eligible for parole after only four years. He should have to serve the entirety of his sentence or at least the majority of it. [He] has a strong history of abuse to himself and his children and [I] do not think he would be safe to be out in the community after only four years. Who's to say he wouldn't do it again after only being away for such a short period. This also sets a bad example to the community—the possibility of only four years if you accidentally kill your young child. (C11, female participant, regional/remote location)

Alan's sentence was regarded as inadequate because the offence involved a very young child, persistent violence culminating in the child's death and a history of prior violence by the offender against the victim. Further, Alan's failure to seek immediate medical attention and his lack of remorse impacted on participants' assessment of his sentence. The case also raised questions about the difference between murder and manslaughter, with the vast majority of participants suggesting that Alan's case should have been considered murder rather than manslaughter.

Conclusion

This paper presents findings from the first exploratory study into community perceptions of sentencing for child homicide cases in Australia.

What are community members' views on the adequacy of penalties imposed for child homicide offences?

Overall, the study found that participants viewed the sentences imposed for child manslaughter offences as inadequate and as not reflecting the vulnerability and defencelessness of the child victim.

Are there demographic differences in the views on sentencing for child homicide?

Australian research into predicting punitiveness has generally found significant differences by gender, age, education and/or region (eg Gelb 2011; Roberts & Indermaur 2007). While these results were not consistently replicated in our study, different methodologies were used in previous research and our study involved emotive cases, which may have impacted the views of participants.

Which factors do community members consider important when assessing penalties imposed on sentence for child homicide offences?

The three case studies each facilitated debate and discussion among participants, often for differing reasons. However, several common themes emerged in the discussions of the three case studies. The vulnerability and defencelessness of the victim was consistently raised as a key consideration when assessing the suitability of sentences imposed. The nature of the offence—whether it was deliberate or accidental and whether there was prolonged violence and suffering—was another critical consideration. In addition, the conduct of the offender, both before and after the offence, was also taken into consideration by participants. Research by Mitchell (2000, 1998) also found that the defencelessness and vulnerability of a victim was the key consideration in ranking a homicide with a child victim as the most serious of crimes. Similarly, in Mitchell's research accidental killings were considered the least serious. Mitchell (2000, 1998) also found that, in determining the seriousness of an offence, the extent to which the offence was planned or accidental was commonly considered.

Outcomes of the terms of reference

The Queensland Sentencing Advisory Council published a report (2018b) in response to the terms of reference received by the Attorney-General and Minister for Justice, the Hon Yvette D'Ath MP, finding that penalties imposed for child homicide offences are not sufficient (using a number of different indicators, not only the results of the case study research discussed here). The Council concluded that penalties imposed on sentence for manslaughter offences committed against children under 12 years, in particular those offences involving the direct use of violence, did not adequately reflect the unique and significant vulnerabilities of child victims, and that additional legislative guidance was required.

In 2019, the Criminal Code and Other Legislation Amendment Bill (Qld) was introduced, inserting a new section into the *Penalties and Sentences Act 1992* (Qld) making it a requirement that in sentencing an offender convicted of the manslaughter of a child under 12 years courts must treat defencelessness and vulnerability, having regard to the child's age, as an aggravating factor. In addition, the Queensland Government expanded the definition of murder to include reckless indifference to human life and increased the maximum penalty for the offence of failure to supply necessities from three years imprisonment to seven years imprisonment. (Section 324 of the Criminal Code (Qld) creates the offence of failure to supply necessities: 'Any person who, being charged with the duty of providing for another the necessities of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered or the other person's health is or is likely to be permanently injured, is guilty of a crime.') These changes were introduced in the same amendment Act. A provision mirroring this has been included in the *Youth Justice Act 1992* (Qld). The bill was passed in early 2019 and came into effect in May 2019.

Future research

Further research will be needed to understand the impact of the recent legislative amendments on sentencing and on community attitudes towards sentencing of child homicide offences. Dedicated research examining community attitudes to child homicide is still a relatively new area of research and there is scope for further work.

As has been demonstrated through the presentation of findings in this study, the use of a focus group methodology can be recommended as a way of ensuring that time can be taken to build the knowledge base of those community members who provide their views on sentencing for these kinds of offences, and that informed public views form the basis for recommendations about sentencing reform. A recent article critiquing amendments to the definition of murder in Queensland has astutely commented:

“

While the Government should closely listen to community concerns, it is nevertheless doubtful that tabloid media and large parts of the community are sufficiently fair and knowledgeable about crime, criminal law, and sentencing to articulate meaningful and nuanced positions rather than mere rage and anger. There is a real question about whether law reform should be driven by community sentiments that are highly emotive, not well informed, short-lived, and run contrary to evidence and expert opinion. (Lelliott et al. 2020: 31)

Nevertheless, public perception and concerns surrounding specific types of offences will no doubt continue to influence law and policy reform, and for this reason future research that replicates the methodology used in this study is recommended and invaluable.

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URLs correct as at February 2021

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Appendix A: Focus group information sheet



Queensland Sentencing
Advisory Council
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INFORMATION SHEET – GU ref: 2018/442

Who is conducting the research?

Principal Investigator:
Professor Elena Marchetti
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Researchers:
Marni Manning
Anne Edwards
Laura Hilderley
Queensland Sentencing Advisory Council
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Why is the research being conducted?

The Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Leader of the House, requested the Queensland Sentencing Advisory Council review 'the penalties imposed on sentence for criminal offences arising from the death of a child'. The Council is an independent body comprising a number of appointed members from a range of backgrounds including law, policing, victims' rights, psychology and academia. The Council retains a capacity to undertake original research to analyse sentencing issues and advise government. The Attorney-General requested the Council deliver this review to the Government by 31 October 2018. Professor Elena Marchetti, Acting Chair of the Council, is supervising the research undertaken as part of the Council's review into penalties imposed on sentence for offences arising from the death of a child.

What you will be asked to do

As a participant of this focus group, you will be asked to complete three short surveys, rank scenarios in order of perceived seriousness, and discuss any factors which influence your responses. The focus group will take two hours. Real cases are used for all activities in this focus group; however, no identifying information is used and all individual particulars have been changed to protect the true identities of the people involved. These scenarios relate to cases which resulted in the death of an adult or a child. While the details of the crimes presented in the scenarios are no more graphic than a media report, it is possible that the content of the scenarios may prove distressing for some participants. If at any stage you feel impacted by any of the material covered in this focus group, please feel free to let one of the research team know. You are free to cease participation at any stage and no inference will be drawn if you choose to do so. We have access to support services for anyone who may at any stage feel impacted by our discussions or activities. You can contact Lifeline by phoning or going to their website. Their contact details are provided below, alternatively we can assist you in gaining access to this service.

Phone: 13 11 14

Website: <https://www.lifeline.org.au>

The basis by which participants were selected

Q & A Market Research Pty Ltd recruited you to participate in this focus group on behalf of the Council. The Council requested participants who were 18 years of age or older and who had not been the direct victim of a violent crime. Please advise the research team if you do not meet this criteria.

The expected benefits of the research

This research complements the government's commitment to a fair, safe and responsible criminal justice sector. Seeking direct community input into this research serves an important role in understanding public opinion about sentencing. The Council will also deliver an independent and comprehensive report for government based on its research, including recommendations for change where and if necessary. The public will be encouraged to access the Council's report which supports the Council's role of informing the community about sentencing. Publications about this research method and its findings may also be disseminated via academic journals and/or conference presentations.

Risks to you

This research has designed to reduce the risk to you as a participant. We are only involving people aged 18 years or older and those who have not been the direct victim of a violent crime. The Council has also removed any and all identifying information from the scenarios that will be used to reduce any secondary victimisation of people involved in the cases discussed. You are free at any stage to cease your participation and no inference will be drawn from you doing so. If you at any stage feel impacted by our discussions, you can contact Lifeline by phoning or going to their website. Their contact details are provided below, alternatively we can assist you in gaining access to this service.

Phone: 13 11 14

Website: <https://www.lifeline.org.au>

Your confidentiality

No identifiable information about you will be collected, stored or reported by the Council as part of this research. This is the reason we engaged Q & A Market Research Pty Ltd. Q & A Market Research Pty Ltd randomly allocated you a personal identification number (PIN) we ask that you record this number on all of your worksheets. We ask however that you also include your personal signature along with your allocated PIN on the Consent Form (only) as an appropriate record of your consent to participate. Q & A Market Research Pty Ltd will provide a report to the Council with your PIN and demographic information about you – excluding your name. Providing the Council this demographic information will assist in understanding trends in public opinion and will not be reported at any individual level.

Please respect the privacy and confidentiality of all participants during and following the focus group.

The Council will collect and retain all hard copies in a secure case for transportation to its key-controlled premises in Brisbane, Queensland. All materials will be stored securely in a locked cabinet and used for the sole purpose of this research undertaking. You will not be contacted in

the future for additional consultation.

Your PIN is known only to you and will assist us at the analysis stage of the research. Please do not share this PIN with anyone else. The Council intends on aggregating results for reporting purposes. If any individual statements are referred to at any stage in the final report – they will be assigned **ONLY** to the PIN with no other associated information which may facilitate unintentional identification. Reporting using the PIN will ensure any comments are not re-identifiable to any individual or any group by any third party.

An audio-recording will be made of the focus group. The purpose of audio-recording the focus group is to ensure quality assurance of the research, upholding the integrity of the results. The research team will be the **ONLY** people accessing the audio-recording and this will only be done to confirm that the research and any results accurately reflect the content discussed within the focus group. For example, the research team may consult the audio-recording to confirm what was said about a particular topic during focus groups — the key issue is what was said as opposed to who said it, therefore the reportable finding will be the topic not the person. No third party will have access to the audio-recording at any stage and the recording itself will not be released in part or in full as part of the project. The audio-recording will be in digital format and uploaded onto the Council's secure file server. Individual participations will not be identifiable from the audio-recording — some individual comments obtained from the audio-recording may be used during the final report; however, these will **ONLY** be attributed to PINs, and not other identifying particulars, or be used only to confirm general discussion points from the focus group. We ask that you provide specific consent to being audio-recorded as part of our project.

All audio recordings will be erased after transcription. However other research data (interview transcripts and analysis) will be retained in a locked cabinet and/or password protected electronic file at Griffith University for a period of five years before being destroyed.

No photography will be taken on this focus group or any individual.

Your privacy

The conduct of this research involves the collection, access and/or use of your identified personal information. The information collected is confidential and will not be disclosed to third parties without your consent, except to meet government, legal or other regulatory authority requirements. A de-identified copy of this data may be used for other research purposes. However, your anonymity will at times be safeguarded. For further information consult the University's Privacy Plan at: <http://www.griffith.edu.au/about-griffith/plans-publications/griffith-university-privacy-plan> or telephone (07) 3735 4375.

Your participation is voluntary

Your participation in this focus group is and remain voluntary. You are free to withdraw your participation at any stage without any inference drawn. You are free to withdraw at any stage even if you provide written consent. You are not required to provide the research team with any reason as to why you decide to withdraw. If you feel impacted by your participation and wish to withdraw, please know we are able to assist you with accessing support services, alternatively you can independently contact Lifeline on 13 11 14.

Questions / further information

Should you require additional information about this research you are able to discuss these with

any members of the research team. You are also able to contact additional information about the Council via our website: www.sentencingcouncil.qld.gov.au

The names of the research team are below with their associated contact details:

Principal Investigator:

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The ethical conduct of this research

The information sheet should indicate that Griffith University conducts research in accordance with the *National Statement on Ethical Conduct in Human Research*. If potential participants have any concerns or complaints about the ethical conduct of the research project they should contact the Manager, Research Ethics on 3735 4375 or research-ethics@griffith.edu.au.

Feedback to you

As the information is collected, analysed and reported anonymously the Council is unable to provide specific feedback to any individual participants. However the final report will be published via the Council's website (provided below) and you will be able to see how your participation contributed to the development of the Council's advice to government.

<http://www.sentencingcouncil.qld.gov.au>

Privacy Statement – non disclosure

The conduct of this research involves the collection, access and/or use of your identified personal information. The information collected is confidential and will not be disclosed to third parties. Your anonymity will at all times be safeguarded. For further information consult the university's Privacy Plan at www.griffith.edu.au/about-griffith/plans-publications/griffith-university-privacy-plan or telephone (07) 3735 4375.

Appendix B: Focus group consent form



Queensland Sentencing
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Sentencing for criminal offences arising from the death of a child

CONSENT FORM GU HREC ref: 2018/442

Research Team

Principal Investigator:

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Researchers:

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By signing below, I confirm that I have read and understood the information package and in particular:


- I understand that my involvement in this research will include completion of surveys, ranking of scenarios and discussions about factors that influence my response during a two hour focus group;
- I have had any questions answered to my satisfaction;
- I understand the risks involved;
- I understand that my participation in this research is voluntary and confidential;
- I understand that this focus group will be audio-recorded but that the research team will be the only people accessing the audio-recording, that the audio-recording will not be provided to any third party or released, and that I will not be individually identifiable from the audio-recording;
- I understand that if I have any additional questions I can contact the research team;
- I understand that I am free to withdraw at any time, without explanation or penalty;
- I understand that I can ask for assistance if I feel impacted by my participation in the project;
- I understand that my name and other personal information that could identify me will be removed or de-identified in publications or presentations resulting from this research;
- I understand that I can contact the Manager, Research Ethics, at Griffith University Human Research Ethics Committee on 3735 4375 (or research-ethics@griffith.edu.au) if I have any concerns about the ethical conduct of the project; and

☐ I agree to participate in the project.

☐ I agree to be audio-recorded as part of my participation in the project.

Signature	
PIN	
Date	

Appendix C: Attitude to crime and sentencing survey



Queensland Sentencing
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Survey I **Your Personal Identification Number (PIN):** _____

Do not record any personal information on this form.


Please respond to the following statements — there are no right or wrong answers.

Circle **one** response that most suits your reaction to the statement provided. Please note, the statements may ask you about **crime generally** and then about **violent crime specifically**. Should you require any assistance with understanding any of the statements, please do not hesitate to ask.

- 1. People who are found guilty of a crime deserve a second chance.**
always sometimes rarely never unsure
- 2. People who are found guilty of a violent crime deserve a second chance.**
always sometimes rarely never unsure
- 3. Prison should be used as a last resort for people who commit crime.**
always sometimes rarely never unsure
- 4. Prison should be used as a last resort for people who commit violent crime.**
always sometimes rarely never unsure
- 5. People choose to commit crime.**
always sometimes rarely never unsure
- 6. People choose to commit violent crime.**
always sometimes rarely never unsure
- 7. People who commit crime can be rehabilitated.**
always sometimes rarely never unsure
- 8. People who commit violent crime can be rehabilitated.**
always sometimes rarely never unsure
- 9. People sentenced for crime should be able to serve their sentence in the community.**
always sometimes rarely never unsure
- 10. People sentenced for violent crime should be able to serve their sentence in the community.**
always sometimes rarely never unsure
- 11. Tough sentences stop people from committing crime.**
always sometimes rarely never unsure

Focus groups — survey I

Appendix D: Adequacy of sentence for child homicide survey



Queensland Sentencing
Advisory Council
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Survey 3 **Your Personal Identification Number (PIN):** _____

Do not record any personal information on this form.

Please comment on the sentences handed down for each of the three child homicide scenarios we have discussed today. Begin by circling **one** response that most suits your reaction to the statement provided, and then provide your comments on each. Should you require any assistance with understanding any of the statements, please do not hesitate to ask.

I. In my opinion, the sentence of 18 months' imprisonment wholly suspended for Scenario 1 (Jane) was:

Extremely inadequate	Somewhat inadequate	Adequate	Somewhat high	Extremely high
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Comment:

Focus groups — survey 3 | I

2. In my opinion, the sentence of 3 years' imprisonment with parole after 9 months for Scenario 2 (Frank) was:

Extremely
inadequate

Somewhat
inadequate

Adequate

Somewhat high

Extremely high

Comment:

3. In my opinion, the sentence of 8½ years' imprisonment with no recommendation about parole eligibility for Scenario 3 (Alan) was:

Extremely
inadequate

Somewhat
inadequate

Adequate

Somewhat high

Extremely high

Comment:

4. Reflect on the cases we have discussed today. Can you identify any factor or combination of factors you believe influences your opinion about the sentences handed down in these cases?

If so, list the factors. Starting with 1 being the **most** important — rank their importance for you:

Factor	Ranking

Please recall the ‘**purposes of sentencing**’ (refer to handout listing the purposes).

*For the next questions about the purposes of sentencing, focus **only** on child homicide **not** general crime, violent crime or adult homicide.*

5. Thinking about child homicide — starting with 1 as the **most** important — rank the purposes of sentencing listed above in order of importance.

Purpose of sentencing	Ranking 1 – most important 6 – least important
Rehabilitation	
Deterrence (individual)	
Deterrence (general)	
Punishment	
Denunciation	
Protection	

6. Has your ranking changed since the first survey?

	✓
Yes	
No	

If so, why? Please provide any detail for your response:

7. Are there any factors that influence your perceptions about how to rank the purpose/s of sentencing when the victim of homicide is a child?

	✓
Yes	
No	

If so, what are these and why? Please provide any detail for your response:

8. Before today was there any particular issue that influenced your thinking about sentencing for child homicide?

	✓
Yes	
No	

If so, what was it and how did it influence you? Please provide any detail for your response:

9. Are you still influenced by this issue now? If yes, please comment about how these issues continue to influence you?

	✓
Yes	
No	

If no, why are they no longer an influence for you? Please provide any detail for your response:

10. After today is there any other issue that now influences your perception about sentencing for child homicide?

	✓
Yes	
No	
Unsure	

If so, what are they and how do they influence you? Please provide any detail for your response:

AIC reports

Research Report

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