

CHILDREN AND YOUNG PEOPLE

Doing time - time for doing: Indigenous youth in the criminal justice system, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Parliament of Australia, Canberra, 2011 (Australia)

<http://www.aph.gov.au/house/committee/atsia/sentencing/report.htm>

REVIEW: This Inquiry looked into the high levels of involvement of Indigenous juveniles and young adults in the criminal justice system, with a particular focus on prevention and early intervention. It received 110 submissions and a number of exhibits from a variety of sources, including government, the legal sector, police, Indigenous organisations, non-profit organisations, and academics. It also conducted 18 public hearings across the country. The Committee found that Indigenous social and economic disadvantage have contributed to the high levels of Indigenous contact with the criminal justice system. It also found that there is intergenerational dysfunction in some Indigenous communities which makes breaking the cycle of offending, recidivism, and incarceration difficult. The report also examines current policy arrangements for overcoming Indigenous disadvantage. Forty recommendations are made.

Juvenile justice in Australia 2008-09, Australian Institute of Health and Welfare, Juvenile Justice Series no. 7, Canberra, 2011 (Australia)

<http://www.aihw.gov.au/publication-detail/?id=10737418606&tab=2>

STATISTICAL DATA: In Australia, around 7,200 young people were under juvenile justice supervision on any given day in 2008-09. Most (90%) were under community-based supervision, with the remainder in detention. Aboriginal and Torres Strait Islander young people continue to be over-represented, particularly in detention. This report presents information on the young people under community-based supervision and in detention and the type and length of their supervision. For the first time, detailed information on all community-based orders supervised by juvenile justice agencies is presented, as well as new analyses on the remoteness and socioeconomic status of young people's usual residence.

Promising interventions for reducing Indigenous juvenile offending, R Gilbert, L Rosevear & K Richards, Brief 10, Indigenous Justice Clearinghouse, Canberra, 2011 (Australia)

<http://www.indigenousjustice.gov.au/briefs/brief010.pdf>

BRIEF: Recent figures show that Indigenous juveniles are 24 times as likely to be detained in a juvenile correctional facility as non-Indigenous juveniles. Whilst diversionary measures can have a limited impact, reducing offending and reoffending have been identified

as critical factors to address if the over-representation of Indigenous juveniles is to be reduced. While acknowledging that other measures designed to reduce the over-representation of Indigenous juveniles are important, this paper reviews the evidence on policies and programs that reduce offending by Indigenous juveniles in Australia. Where relevant, research from comparable jurisdictions, such as New Zealand and Canada, is also discussed.

Why is the NSW juvenile reconviction rate higher than expected?, N Smith, Crime and Justice Bulletin no. 146, NSW Bureau of Crime Statistics and Research, Sydney, 2010 (NSW)

[http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB146.pdf/\\$file/CJB146.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB146.pdf/$file/CJB146.pdf)

RESEARCH: This research examined reasons for the apparent increase in the rate of juvenile reconviction between 2004-05 and 2006-07. Observed and predicted reconviction rates were investigated for the 2004-05 and 2006-07 cohorts of juvenile offenders given non-custodial sanctions using a technique known as the Group Assessment Model. Various factors (for example, number of prior police cautions) were included in the Group Risk Assessment Model to determine whether they eliminated the discrepancy between the observed and predicted reconviction rates. The profile of re-offences across cohorts was also compared. Results indicated that two factors may explain the discrepancy between the observed and predicted reconviction rates in 2006-07: First, the inclusion of the number of prior cautions received by a juvenile offender, which was absent from Group Risk Assessment Model, seemed to reduce the size of the discrepancy between the observed and predicted rates of reconviction. Second, there was a higher than expected rate of reconviction among juveniles dealt with via a Youth Justice Conference that was not apparent for juveniles processed in Children's Court. The report recommends that the use of the Group Risk Assessment Model be restricted to young offenders dealt with by way of the Children's Court.

Young people on remand in Victoria: guilt not yet determined, balancing individual and community interests, T Vinson & M Ericson, Jesuit Social Services, Melbourne, 2010 (Vic)

http://www.jss.org.au/files/Docs/policy-and-advocacy/publications/Young_people_in_remand_in_Victoria_-_Balancing_individual_and_community_interests.pdf

RESEARCH: This report analyses current Australian and international trends in evidence-based prison policy in Australia and overseas. It includes a review of remand and its place within the criminal justice system. It also includes a statistical analysis of more than eleven thousand Victorian remandees incarcerated between 2008 and 2010, with particular attention to

their socio-economic background by age, gender and Indigenous status. The analysis highlights the accumulated disadvantage of young people involved in the criminal justice system, including high rates of unemployment and low levels of educational attainment. The report makes recommendations for remand reform that promote social inclusion and community safety, and the health and well-being of disadvantaged young people, families and communities.

GAY AND LESBIAN

Addressing sexual orientation and sex and/or gender identity discrimination: consultation report, Australian Human Rights Commission, Sydney, 2011 (Australia)
http://www.humanrights.gov.au/human_rights/lgbt/lgbticonsult/report/SGI_2011.pdf

REVIEW: This consultation process sought views from affected individuals and organisations about what needs to be done to provide better human rights protection for LGBTI people in Australia. It focused on the experience of discrimination on the basis of sexual orientation and sex and/or gender identity and how protection from this kind of discrimination could be included in federal law. Unlike state and territory laws, there is little protection in federal law from discrimination on the basis of sexual orientation and gender identity. Some of the key issues identified by participants included: the importance of using appropriate, inclusive and empowering terminology; the benefits of having consistent and uniform laws across Australia; the benefits of having federal discrimination laws that would bind Commonwealth agencies; the importance of including gender identity and gender expression as protected grounds of discrimination; the need for government action in other areas such as health care, education, marriage equality, as well as the reform of the requirements for changing a person's legal sex.

GOVERNMENT BENEFITS

Centrelink: the right of review - having choices, making choices, Commonwealth Ombudsman, Report no. 04/2011, Canberra, 2011 (Australia)
http://www.ombudsman.gov.au/files/centrelink_the_right_of_review_having_choices_making_choices.pdf

REVIEW: This report considers some of the obstacles which undermine Centrelink's review process. It highlights the need for Centrelink to identify and rectify causes of delay in the review model, including obstacles to recognising and acting upon requests for review. It reinforces the importance for Centrelink customers to be told of the different types of reviews available and options open to them, in particular the

implications of the type of review and whether further avenues of redress can be accessed. It suggests some solutions to administrative problems, draws attention to issues of staff training and recommends some areas where further analysis and reform may generate more improvements.

INDIGENOUS AUSTRALIANS

Non-disclosure of violence in Australian Indigenous communities, M Willis, Trends and Issues in Crime and Criminal Justice no. 405, Australian Institute of Criminology, Canberra, 2011 (Australia)
<http://www.aic.gov.au/documents/9/1/2/912F0370-E989-4041-8867-A18BB33A4089?landi405.pdf>

RESEARCH: This paper explores some of the reasons for the high rates of non-disclosure of violence in Indigenous communities. It begins by examining reasons for nondisclosure in the broader Australian community before discussing how factors specific to Indigenous Australians influence individual decisions to disclose violence. As well as using Australian and international literature to build an understanding of why people choose not to disclose, the paper uses scenarios developed by the Australian Crime Commission from their work with Indigenous communities to illustrate the circumstances in which these choices are made. The paper concludes by considering ways of encouraging disclosure through services, training and education and community responses. It emphasises the need to locate these within broader efforts to address the cycles of intergenerational violence that can so heavily impact the lives of Indigenous Australians.

Reducing the unintended impacts of fines, MS Williams & R Gilbert, Current Initiatives Paper 2, Indigenous Justice Clearinghouse, Canberra, 2011 (Australia)

<http://www.indigenousjustice.gov.au/initiatives/initiative002.pdf>

BRIEFING PAPER: The fines enforcement system, on its surface, treats Indigenous and non-Indigenous people equally. However the disadvantage experienced by many Indigenous people results in the fines enforcement system having disproportionate impacts upon them, including financial stress, social exclusion, driver's licence suspension, car registration cancellation, and imprisonment. This paper reports on these impacts and outlines the various efforts that have been made in Australia and New Zealand to ameliorate them. It describes some innovations that can improve outcomes for Indigenous people and other marginalised people including outreach and education activities conducted by Aboriginal liaison officers, specialist courts and treatment orders.

Report on government services 2011: Indigenous compendium, Steering Committee for the Review of Government Service Provision (SCRGSP), Productivity Commission, Melbourne, 2011 (Australia)

<http://www.pc.gov.au/gsp/reports/rogs/compendium2011>

REVIEW: This report is a compilation of data for Indigenous people from the 2011 *Report on Government Services* and covers the areas of early childhood, education and training, justice, emergency management, health, community services, and housing and homelessness. It also contains additional reporting in a number of areas, including qualification equivalents and low birth weight babies.

Social justice report 2010, Australian Human Rights Commission, Sydney, 2011 (Australia)

http://humanrights.gov.au/social_justice/sj_report/sjreport10/pdf/sjr2010_full.pdf

REVIEW: This report outlines the priorities and issues identified by the Aboriginal and Torres Strait Islander Social Justice Commissioner, explores the significance of constitutional reforms in achieving a reconciled Australia, and looks at a case study of the recent community-led developments in the Fitzroy Valley.

LOW INCOME

Foundation for change: report of the Public Commission on Legal Aid in British Columbia, LT Doust, Public Commission on Legal Aid, Vancouver, 2011 (Canada)

http://www.publiccommission.org/media/PDF/pcla_report_03_08_11.pdf

REVIEW: The Public Commission received written submissions from approximately 73 individuals, organizations, and groups familiar with the legal aid system, its benefits and deficiencies throughout the province. It also held hearings in 11 communities across the province, during which in excess of 80 presentations were made. Findings indicate that: the legal aid system is failing needy individuals and families, the justice system, and communities; legal information is not an adequate substitute for legal assistance and representation; timing of accessing legal aid is key; there is a broad consensus concerning the need for innovative, client-focused legal aid services; steps must be taken to meet legal aid needs in rural communities; more people should be eligible for legal aid; and that legal aid should be fully funded as an essential public service. The report makes nine recommendations.

Knowledge, capability and the experience of rights problems, NJ Balmer, et al., Public Legal Education Network (PLENET), London, 2010 (United Kingdom)

<http://www.plenet.org.uk/data/files/knowledge-capability-and-the-experience-of-rights-problems-lsrc-may-2010-255.pdf>

RESEARCH: This research looked at the knowledge and capability of the population of England and Wales in the context of social and civil legal issues. It was based on interviews with 10,000 randomly selected people and used data taken from the English and Welsh Civil and Social Justice Survey. The report looks at different groups in society based on their levels of capability and how this relates to the way people handle the legal issues they face. The findings illustrated that a significant number of people lack knowledge, skills and confidence when dealing with civil justice problems. However, these barriers to legal capability are not evenly spread across the population or across different legal problem categories. The report includes a discussion of findings and looks at three key areas: the research implications for the targeting of PLE interventions, what the research findings tell us about achieving behaviour change, and recommendations for further research to address current gaps in knowledge.

Unequal before the law? The future of legal aid, Commission of Inquiry into Legal Aid, Justice Gap Series, Solicitors Journal, London, 2011 (United Kingdom)

http://www.younglegalaidlawyers.org/files/Releases_Responses/Unequal_before_the_law_legal_aid_report_june_2011.pdf

REVIEW: This report publishes the findings of an independent Commission of Inquiry into Legal Aid. The Commission consisted of a panel of independent non-lawyers whose focus was the examination of what kind of safety net the system of publicly funded law provides for those people who rely upon it. It considered both oral and written evidence from individuals who have benefited from publicly funded legal work and a number of reports and documents on the importance of legal aid in upholding the rule of law. The Commission also considered the arguments for reducing legal aid contained in the government's 2010 green paper on legal aid together with reports from Policy Exchange, the Adam Smith Institute and the Society of Conservative Lawyers. The Commission found that: legal aid is vital to protecting the rights of vulnerable people; is vital to upholding the rule of law; is essential to holding the state to account; cutting legal aid is a false economy; a holistic approach is needed in providing legal aid; cuts to legal aid will drive out committed lawyers; and that cutting legal aid is not a fair or effective way to reduce unnecessary litigation.

OLDER PEOPLE

The elephant in the room: age discrimination in employment, S Encel, P Nelson & M Stafford, National Seniors Productive Ageing Centre, Canberra, 2011 (Australia)

http://www.nationalseniors.com.au/icms_docs/93537_The_Elephant_in_the_Room_Age_Discrimination_in_Employment_PDF_480_kb.pdf

REVIEW: This report examines age discrimination and draws upon three different sources of information: a literature review, focused mainly on cases dealt with by courts and tribunals; complaints to the NSW Anti-Discrimination Board (ADB) and the Australian Human Rights Commission (AHRC); and personal accounts, received from individuals in response to requests for personal stories. Its findings include that age discrimination is: widespread in recruitment, in promotion, and during times of retrenchment; evident in workplace harassment and pressure to retire; evident in the implicit assumption that the best workers are young workers. The report concludes that: there continues to be a disguised form of age discrimination; that the everyday experience of workplace discrimination remains difficult to prove and even when proven, gives little satisfaction to the complainant; and that awareness of age discrimination requirements can lead to compliance with the letter rather than the spirit of the law.

PRISONERS

Why does NSW have a higher imprisonment rate than Victoria?, D Weatherburn, K Grech & J Holmes, Crime and Justice Bulletin no. 145, NSW Bureau of Crime Statistics and Research, Sydney, 2010 (NSW, Vic)

[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/cjb145.pdf/\\$file/cjb145.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/cjb145.pdf/$file/cjb145.pdf)

RESEARCH: This bulletin examines the influence of sentencing practice and other factors on the difference between NSW and Victoria in their imprisonment rates by using descriptive analysis of national crime, court and prison data. It concludes that the higher NSW imprisonment rate is attributable to a higher rate of court appearance, a slightly higher conviction rate, a higher likelihood of imprisonment, and a higher likelihood of remand in custody.

REFUGEES

Prevention is better than cure: can education prevent refugees' legal problems?, K Fraser, CLC Fellowship Report, Victoria Law Foundation, Melbourne, 2011 (Australia)

http://www.victorialawfoundation.org.au/images/stories/CLCReport_2009-2010.pdf

RESEARCH: This report explores whether legal and financial problems experienced by refugees could be prevented if refugees were given more information about common legal issues before they arrived in Australia, or early in the settlement process. In writing the report the author undertook a placement at the Adult Migrant Education Service (AMES); conducted interviews with refugees and workers at mainstream agencies (including health and housing agencies), and workers at other settlement agencies, which assist refugees from six months to five years after arrival in Australia; observed and became involved in several DIAC policy and planning groups; and travelled to two refugee camps. The report concludes that education can prevent or mitigate some legal problems and recommends that government, legal assistance providers and settlement agencies work together to develop a strategic approach to providing legal education for refugees.

WOMEN

Audit of NSW Police Force handling of domestic & family violence complaints, NSW Ombudsman, Sydney, 2011 (NSW)

<http://www.ombo.nsw.gov.au/publication/PDF/specialreport/Audit%20of%20NSW%20Police%20Force%20handling%20of%20domestic%20and%20family%20violence%20complaints.pdf>

AUDIT/REVIEW: This report presents the findings and recommendations of the NSW Ombudsman's audit, and builds on the 2006 investigation and report on the policing of domestic violence. It presents information from the detailed audit of 289 police complaints received in 2008 that raised domestic violence issues. It found that overall, police respond appropriately when such complaints are made; and that police were willing to rectify mistakes and, in most cases, address poor performance where this was warranted. However, some instances where complaints were not well-handled by police were identified.

Sexual Assault Reform Strategy: final evaluation report, Success Works Pty Ltd, Department of Justice, Victoria, Melbourne, 2011 (Vic)

<http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/Home/The+Justice+System/JUSTICE+-+Sexual+Assault+Reform+Strategy+-+Final+Evaluation+Report+%28PDF%29>

EVALUATION: The Sexual Assault Reform Strategy is made up of a complex web of strategies and processes designed to improve the functioning of the criminal justice system and therefore the experience of sexual assault victims who report a sexual assault to the police. This final report details the findings of a three-year evaluation. Semi-structured interviews were held with relevant criminal, justice and human services organisations and quantitative data was supplied by Victoria Police, Office of Public Prosecutions, Magistrates' Court and County Court plus specific data sets from the Child Witness Service, Victorian Institute of Forensic Medicine and the Department of Human Services. The evaluation found that significant cultural change has commenced and that for many victims of sexual assault the experience of the criminal justice system has improved. It also found that two out of the three system wide objectives have been achieved – a strengthened and improved criminal justice system response to sexual assault cases and the provision of improved support for and responsiveness to the needs of sexual assault victim survivors.

Staying home leaving violence: listening to women's experiences. Report for NSW Department of Human Services, Community Services, R Edwards, SPRC Report 4/11, Social Policy Research Centre, Sydney, 2011 (NSW)

http://www.sprc.unsw.edu.au/media/File/SPRC_report_411.pdf

EVALUATION: This report discusses findings from a small qualitative research study conducted in partnership with the NSW Staying Home Leaving Violence Program. The focus of the study was on women and children's safety, post-separation violence and abuse, housing and women's use of SHLV services. One-on-one interviews were conducted with a total of 17 women, from three research sites - Eastern Sydney, Blacktown and the Bega Valley. The study findings provided evidence of a stability of housing which is unusual for women leaving domestic violence relationships. Most women affirmed they were now living lives (relatively) free from violence and that the support provided by SHLV had been a factor in achieving this. However, the study also found that post-separation violence and abuse occurred regardless of where the woman was living and regardless of whether or not she had remained in her own home. All women in the study provided positive feedback about the local Staying Home Leaving Violence service, in particular the qualities and skills of the support workers. The

study concludes that local and state-wide partnerships across nongovernment and human service agencies provide an opportunity to improve service provision for domestic violence victims and address systemic problems.

SERVICES

Community Legal Advice Centres: a survey of clients in reception areas, A Buck, et al., Legal Services Research Centre, London, 2010 (United Kingdom)

<http://lsrc.org.uk/publications/CLACClientReceptionSurvey.pdf>

RESEARCH: The Legal Services Research Centre was asked to examine and report on the establishment and early operating life of Community Legal Advice Centres (CLACs). This report is part of that research and presents findings from a survey of clients in CLAC reception areas. The survey was administered face-to-face in the reception areas of Portsmouth, Leicester, Hull, Gateshead and Derby CLACs, and their outreach locations, during a one-week period. The questionnaire was paper-based, with the option of self-completion by the client. A total of 831 interviews were achieved. The survey findings showed that vulnerable and disadvantaged groups, largely from low income households, were using the services. The research results also demonstrated that people who accessed the CLAC service through outreach had a different profile to main centre CLAC users' and that given the reported ease of access of outreach locations, outreach advice may constitute an important means of ensuring access for people who might otherwise struggle to attend the main CLAC venue.

Effectiveness of victims of crime programs, Victorian Auditor-General's Office, Melbourne, 2011 (Vic)

<http://download.audit.vic.gov.au/files/20110209-VoC.pdf>

EVALUATION: This audit examined whether victim support services managed by the Victims Support Agency (Victoria) help victims recover from the effects of crime, and whether they and third party service providers treated victims in accordance with the Victims' Charter. It found that VSA has designed its services on soundly-based principles of early intervention, streamlined service delivery, assistance in navigating the criminal justice system and flexibility in addressing victims' needs. Services are being delivered consistent with these principles and victims are being treated in accordance with the Victims' Charter. However, there are areas that need to improve, including complaints management, data security, and guidance to VACP providers on victim management processes.

Freedom to speak, capacity to act: charity law reform project - removing the barriers to advocacy, E Abram, Changemakers Australia, Melbourne, 2011 (Australia)

<http://www.changemakers.org.au/>

RESEARCH: The Charity Law Reform project was established to investigate the impacts of legal restrictions of public policy reform advocacy on the Not for Profit (NFP) sector and to progress the development of a reform agenda. Australian charities were asked whether charity laws restricted their ability to speak out on issues or to fund important advocacy work. This paper provides the results of the research and makes recommendations on how charity law reform should be progressed. NFP/Charity organisations, academics and expert lawyers were consulted as well as an email survey to organisations on the Victorian Council of Social Service's distribution list. The survey focused on gathering information on the tax concessions of such organisations and their access to philanthropic funding. The report concludes that while the vast majority of charities have not been penalised for their advocacy, all have had to function with a level of risk and uncertainty not faced by other players in the policy landscape.

Managing discovery: discovery of documents in federal courts: final report, Australian Law Reform Commission, Report 115, Sydney, 2011 (Australia)

<http://www.alrc.gov.au/sites/default/files/pdfs/publications/Whole%20ALRC%20115%20%2012%20APRIL-3.pdf>

RESEARCH: The Australian Law Reform Commission (ALRC) was asked to identify law reform options to improve the practical operation and effectiveness of discovery of documents in proceedings in federal courts. The underlying premise for this Inquiry was that the costs of discovery, which can be very high, may inhibit access to justice and generate, in addition, an undue public cost. The report found that the sheer volume of data available today tests the current practices and management of the discovery of documents and that the costs and time required to discover documents for court may represent a significant barrier to justice for many litigants, but that discovery remains an important feature of common law litigation in appropriate cases—ensuring that parties can proceed on an equal footing and without ambush, and that relevant materials are before the court. The ALRC has developed 27 policy recommendations. The net effect of the recommendations will be that: judicial officers are encouraged and supported in their role as robust case managers; parties and practitioners will have a clearer understanding of what is expected of them in relation to discovery obligations; the scope of discovery will be defined more clearly and in the context of an understanding of how information is stored and can be accessed; and the clarity of expectations and

certainty in obligations will help to maintain proportionality in discovery costs.

Problem-solving approaches to justice, Victorian Auditor-General's Office, Melbourne, 2011 (Vic)

<http://download.audit.vic.gov.au/files/20110406-Justice.pdf>

AUDIT: The Neighbourhood Justice Centre (NJC) and the Court Integrated Services Program (CISP) were funded based on problem-solving approaches. NJC is a multi-jurisdictional venue, presided over by a single magistrate, and provides a range of onsite services to victims, offenders, civil litigants and the local community. CISP operates at the Victorian Magistrates' Courts in Melbourne, Sunshine and Latrobe Valley. Defendants who have been charged but have not yet been sentenced can be referred to CISP. The program provides short-term assistance to individuals with health and social needs with the aim of reducing their likelihood of reoffending. This audit examined whether NJC and CISP are achieving their intended outcomes. It also assessed whether the programs were based on sound evidence and research and whether the department and the court are effectively managing the programs. The audit concludes that both NJC and CISP have shown positive indications of achieving their client and community outcomes including indications of reduced offending.

Report on government services 2011. Part C: Justice [Police services, Court administration and Corrective services], Steering Committee for the Review of Government Service Provision (SCRGSP), Productivity Commission, Melbourne, 2011 (Australia)

<http://www.pc.gov.au/gsp/reports/rogs/2011>

RESEARCH: This report examines the effectiveness, equity and efficiency of police, courts and corrective services across Australia. A range of indicators are used to measure performance including community perceptions of safety, recorded crime rates, case processing time, recidivism rates and the cost of justice services. It also includes indicators on juvenile justice group conferencing outcomes, assaults in custody, self-harm and attempted suicide in custody, completion of orders, and centre utilisation (in the Protection and support services chapter).

OTHER

Finding direction: expanding criminal justice options by considering policies of other nations, A Petteruti, Justice Policy Institute, Washington, DC, 2011 (United States, Australia, Canada, United Kingdom, Finland, Germany)

http://www.justicepolicy.org/uploads/justicepolicy/documents/finding_direction-full_report.pdf

POLICY ANALYSIS: This report compares the criminal justice policies and social, economic, and governmental structures of five countries – Australia, Canada, England and Wales, Finland and Germany – to the United States. Discussion includes the social, political, and economic environment of the comparison nations and how those factors might contribute to the number of people incarcerated in a country. The report makes 12 recommendations which are aimed at U.S. policymakers and advocates.

Public judgement on sentencing: final results from the Tasmanian Jury Sentencing Study, K Warner, et al., Trends and Issues in Crime and Criminal Justice no. 407, Australian Institute of Criminology, Canberra, 2011 (Tas)

<http://www.aic.gov.au/documents/A/B/7/%7BAB703D46-E913-4384-B3DB-646DC27EF2D3%7Dtandc407.pdf>

RESEARCH: Public opinion surveys conducted worldwide over the last four decades have consistently found that between 70 and 80 percent of respondents believe that sentences are too lenient. This study uses jurors in real trials to gauge public opinion about sentences and sentencing. Jurors were used as a way of investigating the views of members of the public who are as fully informed of the facts of the case and the background of the offender as the judge. Based upon 698 jurors' responses from 138 trials, the study found that more than half of the jurors surveyed suggested a more lenient sentence than the trial judge imposed. Moreover, when informed of the sentence, 90 percent of jurors said that the judge's sentence was (very or fairly) appropriate. In contrast, responses to abstract questions about sentencing levels mirrored the results of representative surveys. The results of the study suggest that providing information to jurors about crime and sentencing may be helpful in addressing misconceptions in these areas.

ABOUT JARA

The Justice Access Research Alert (JARA) is a free bimonthly email alert service for recent research in the area of access to justice and legal need. Items in past issues of JARA can be searched using Just Search, www.lawfoundation.net.au/justsearch.

JARA is produced by Maureen Ward, Abigail Gray and Suzie Forell, Law and Justice Foundation of NSW, Level 14, 130 Pitt Street, Sydney, NSW 2000, Ph: 02 8227 3200.

SUBSCRIBE/UNSUBSCRIBE

To subscribe or unsubscribe to JARA visit <http://www.lawfoundation.net.au/publications/newsletters/jara>