The role of Magistrates in the Judicial System

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My background

- Magistrate for 34 years
- Former Chairman of Bromsgrove & Redditch Bench
- Former Chair of Worcestershire Branch Magistrates' Association
- Former Chair of West Mercia Probation Board
- Former Chair of Independent Monitoring Board *(HMP Blakenhurst)*
- Director & Trustee of various charities (community justice)
- Quaker Prison Chaplain at HMP Birmingham & Oakwood
- Clerk of two local (Area Meeting) committees
  - Community Justice Group
  - Quaker Christmas Parcels

My aims

At the end of this talk you should have an overview of who magistrates (or Justices of the Peace) are, what they do within the Criminal Justice System, and some of the offences that are dealt with in the Magistrates' Court

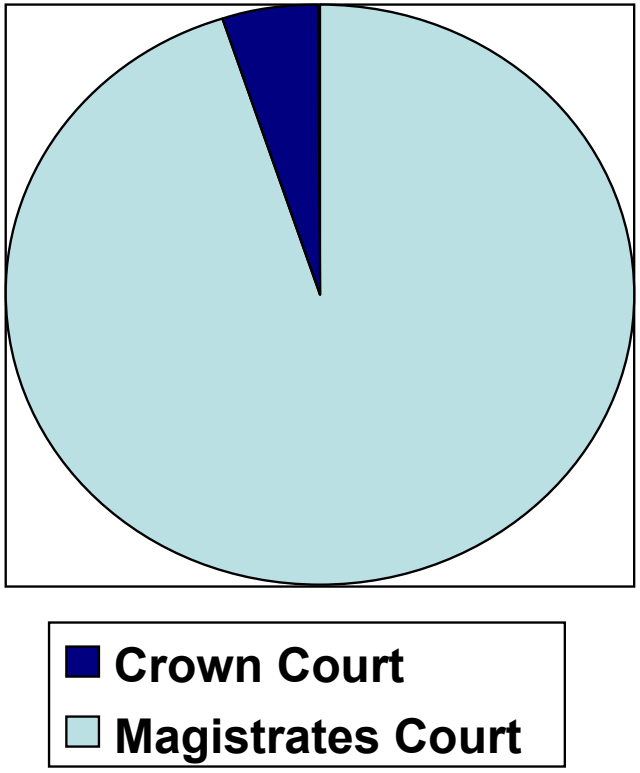


Office of Justice of the Peace est. 1361

650th anniversary celebrated in 2011

What cases are dealt with in the Magistrates' Court?

- All criminal cases start out in the Magistrates court.
- 95% of cases are dealt with fully in the Magistrates court
- 5% of cases go to the crown court



Sending Indictable Only Cases to the Crown Court & Committal Proceedings

Examples?

Abduction

Rape

Perjury

GBH

Murder

Perverting the course of justice

What sort of cases are dealt with in the Magistrates' Court?










Assault
CAMERA 12
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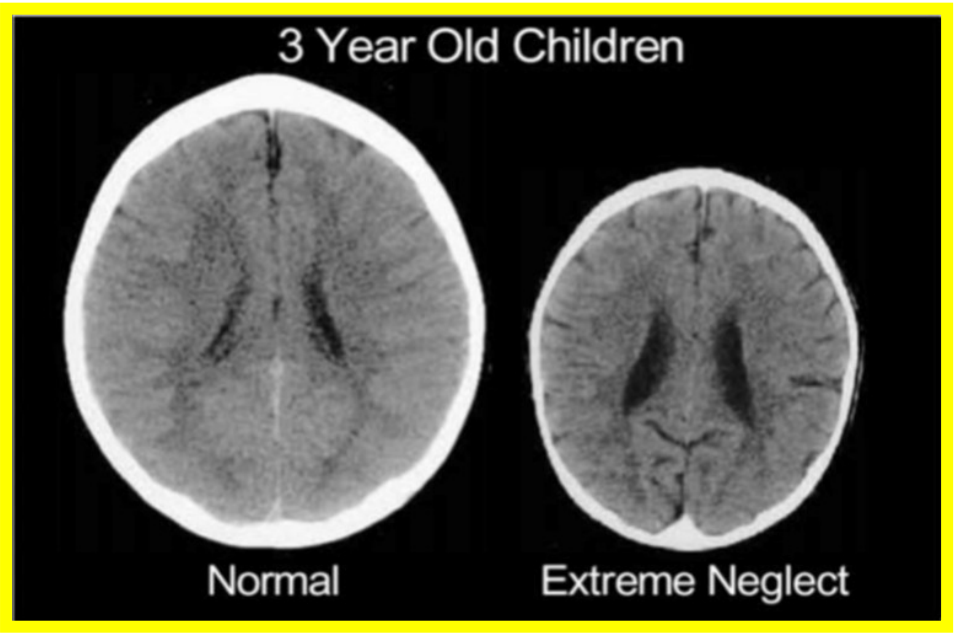

Domestic violence


Search warrants


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Theft
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The Family Court





Private law cases

Public law cases

… and the Youth Court



The youth court is for 10-17 year olds and is in a less formal setting

How Much Do Magistrates Get Paid?



Magistrates represent their local community – from all walks of life

- Teacher
- Clerk, civil servant, local Government, public services
- Doctor, dentist, nurse
- Housewife
- Retired
- Fireman, paramedic
- Factory Worker
- Estate Agent
- Finance, banking sector
- Shop worker/owner/newsagent
- And many others ….

Very few people are excluded from being a magistrate

- Career criminals!



- Serving Police officers and traffic Wardens –



- Why?

What qualities do you need to be a magistrate?

- Good character, mature (over 18yrs) but not too mature! (under 70yrs)
- Good at listening, communicating
- Socially aware
- Sound judgement & temperament
- Commitment/reliability



Currently 56% female, 44% male (England & Wales)

Questions?

Let's look at how a case might come to trial before magistrates …



This is Hannah

The Police **Station**
where she is charged



The Court
where she **pleads**



Guilty?

Not Guilty?



Set a **trial** date

BAIL?



TRIAL

THE VERDICT

What is Bail?

Questions Magistrates need to ask

- Is it a serious crime?
- Will the public be safe if he/she is allowed to go home?
- Has he/she *got* a home?
- Will he/she attend court for trial?
- Is he/she likely to “interfere with the witnesses” (to try and change their minds!) before the trial?
- Is he/she likely to reoffend before the trial?

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A little more about the verdict …

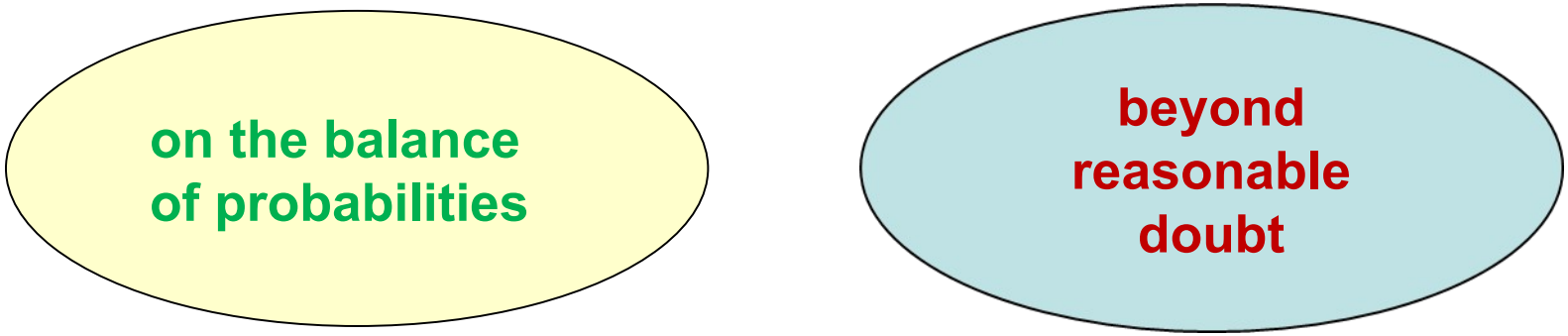


The magistrates will “weigh” the evidence

How sure do they have to be to find the defendant guilty?

Is it …

A or **B**



What should they do if they are not sure?

They must find her NOT GUILTY

If the Magistrates are sure that Hannah is guilty, they will then decide what her SENTENCE should be …



Sentencing

often a controversial subject!

STEP 1 Assess the Seriousness of the Offence!

HARM

caused or risked



CULPABILITY

intention

Try your hand at putting the following offences in order of seriousness …

1 Employee steals £1,500 from his employer

2 Theft from a shop to the value of £150

3 Actual bodily harm against a paramedic, who fell out of the ambulance and broke her arm

4 Possession of cannabis

5 Theft from a dwelling-house from a vulnerable victim

6 Dangerous driving – 70mph in a built-up area

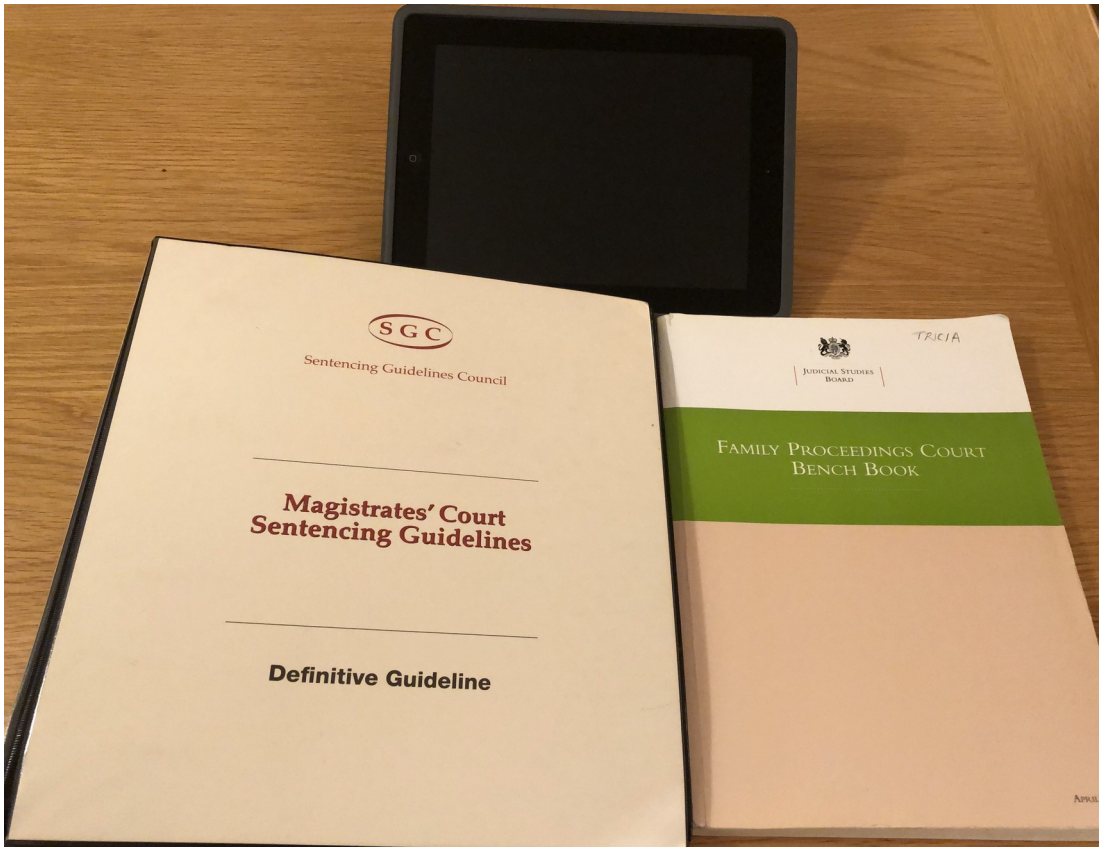







Hard, isn't it!

Fortunately help is at hand with the Sentencing Guidelines



Sentencing Aims?

- Punish
- Deter
- Protect Public
- Rehabilitation
- Compensation

The next steps in sentencing are:-

- STEP 2 Aggravating features of the offence
- STEP 3 Range in Sentencing Guidelines
- STEP 4 Offender mitigation
- STEP 5 Reduction for Guilty Plea
- STEP 6 Ancillary Orders

Some common sentences



Conditional discharge



Fine



Community sentence



Prison/curfew order

Updates and changes

- Bench Books no longer in use
- Court iPads: list cases, give all relevant information
- Everything done by the eJudiciary secure website, including:-
  - *Access to Equal Treatment Bench Book*
  - *Interactive Training*
  - *Rotas/Meetings*
  - *Notification of Changes in Sentences*

Updates and changes – cont.

- Warrant Courts linked by video to police stations during court hours

- Slots booked to present to a single magistrate sitting with a legal advisor to apply for warrants

Updates and changes – cont.

- NGap & Gap Courts
- PET Forms - preparation for effective trials
- PSRs either Stand Down or adjourn for 3 weeks
- DV Courts
- Out of court disposal – scrutiny panels

Court Closures/Cuts - impact

- HMCTS has earmarked 77 more courts for closure
- HMCTS reviewing accessibility to courts
- Loss of dedicated drug and alcohol workers & mental health nurses

Questions?