

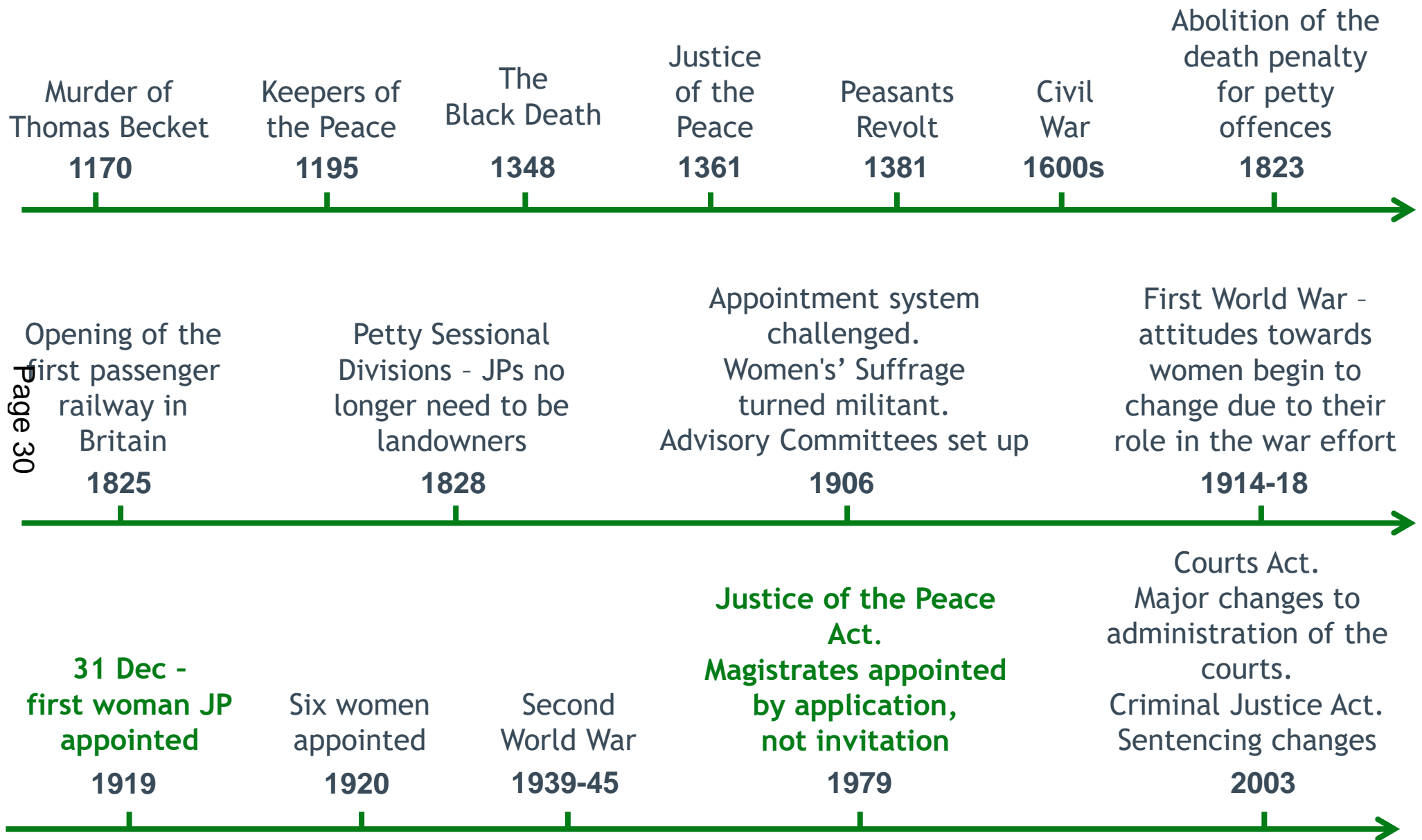


A Presentation for the Community

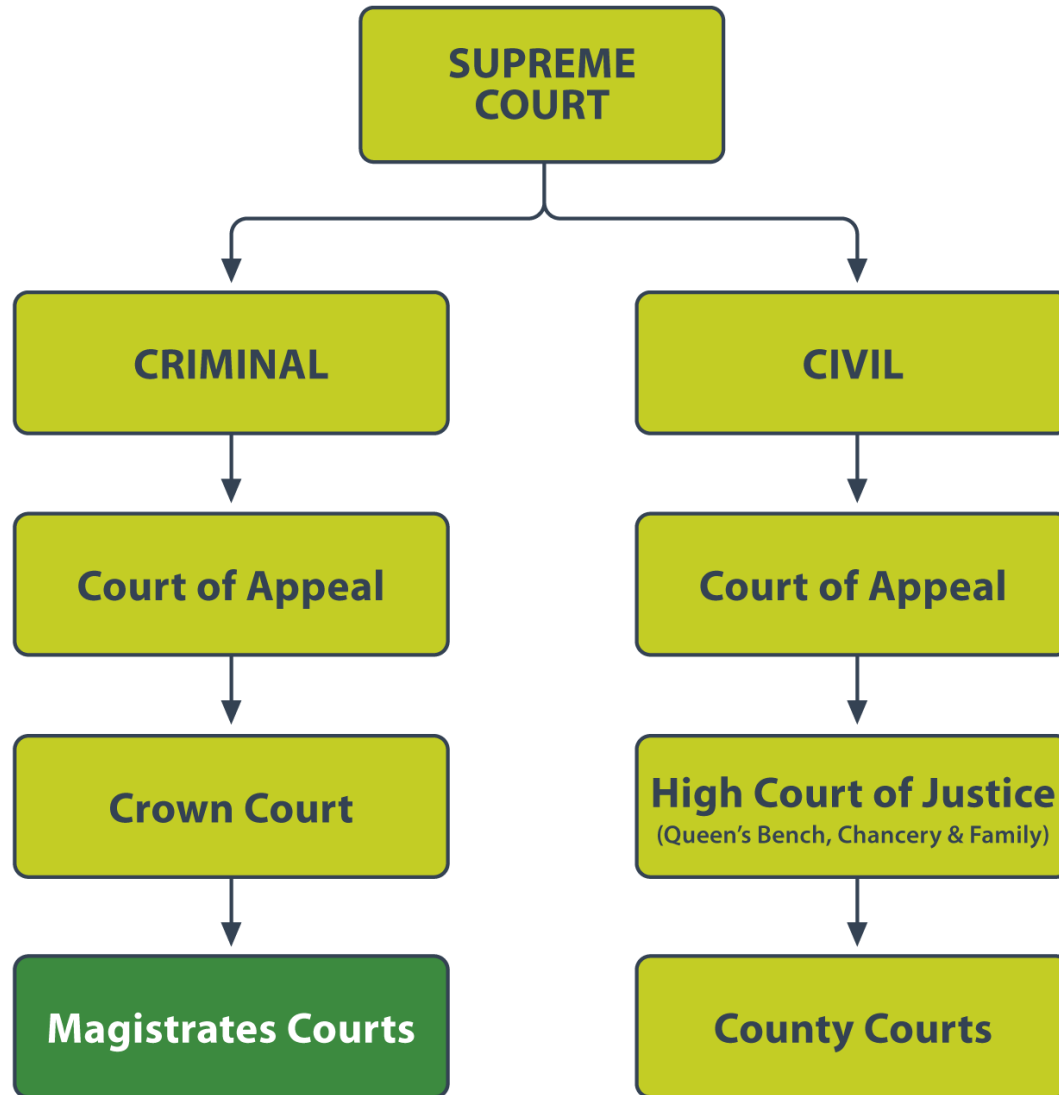
Morden Community Forum

Wednesday 26th Feb 2020

The History of The Magistracy



The Court System in England and Wales

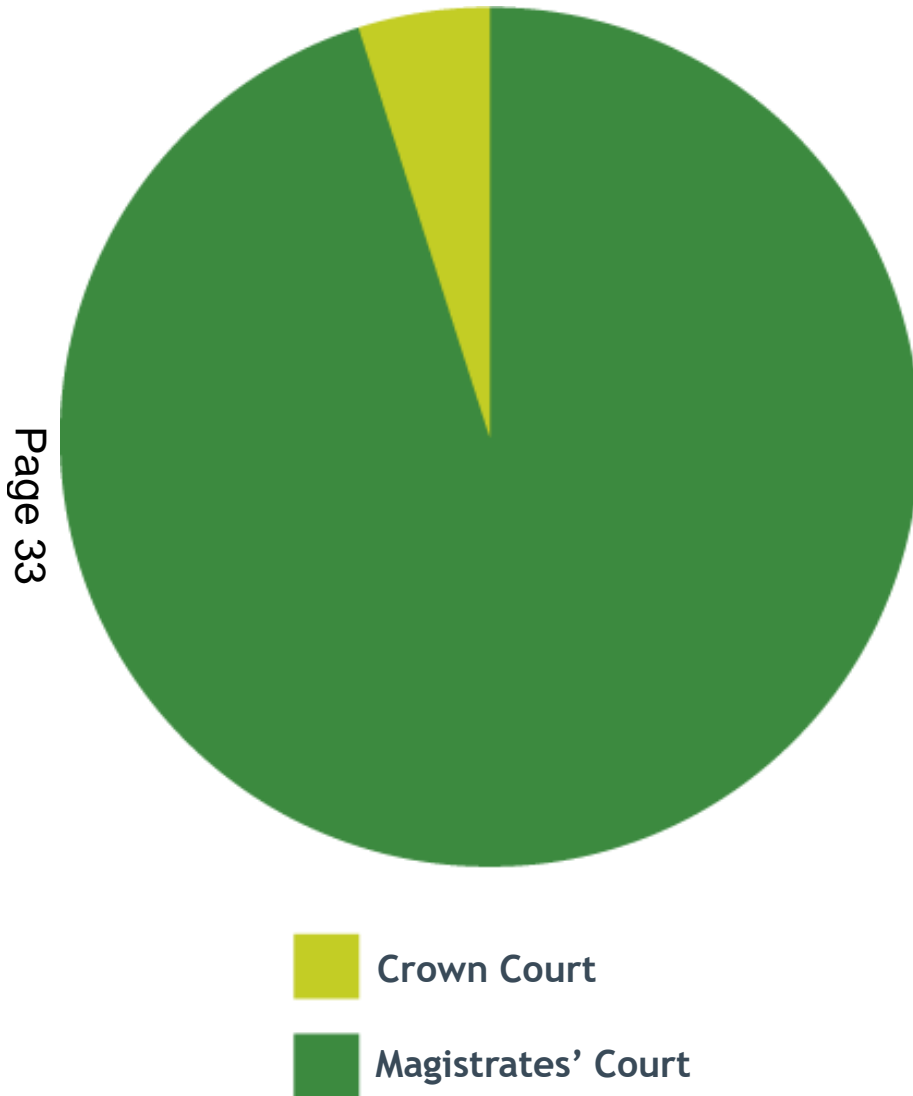


The difference between Magistrates' Court and Crown Court?

- Magistrates - hear the evidence and decide innocence or guilt
- Magistrates - also decide sentence when guilty
- Crown Court - Jury of 12 'peers' hears the evidence and decides innocence or guilt
- Crown Court - Judge decides sentence



What cases are dealt with in the Magistrates' Court?



- **All** criminal cases start in the magistrates' court
- Around **90%** of cases are dealt with fully in the magistrates' court

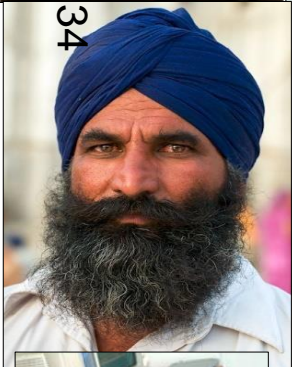
Who are Magistrates?

- Magistrates are members of a community entrusted to deal with those cases that are brought before them in a magistrates' court.

They come from a wide range of backgrounds, cultures and occupations and are representative of the communities they serve.

- There are currently about 16,000 magistrates serving in the courts in England and Wales.

Some Magistrates are specially trained to hear cases in Youth Court and in Family court.



Youth Court

- For 10-17 year olds - in a less formal setting
- Sentences purely aimed at changing behaviour and supporting the welfare of the young person
- Parents are often involved in the outcome



The Family Court is not a criminal court. It is not open to the public to attend. Cases can last 3-4 days.



- Deals with:
- Protection of children
- Contact
- Adoption
- Parental responsibility

Inside the Magistrates' Court



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Magistrates usually sit on a bench of three people - all volunteers

A judgement can also be made by a District Judge sitting alone



Examples of crimes that are dealt with in the Magistrates' Court?

- Burglary
- Assault
- Motoring offences e.g. careless/drink or drug driving,
taking without owners consent (TWOC)
- Theft e.g. shoplifting.
- Benefit fraud

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Also

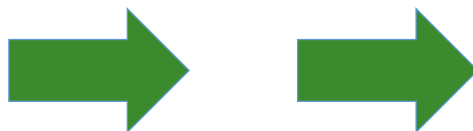
- Warrants for the police and utility companies
- Fare evasion
- Council Tax
- Environmental and Trading issues
- Dangerous dogs
- Animal cruelty



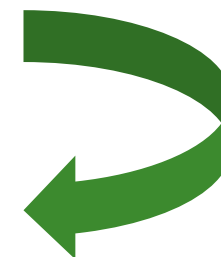
From Crime to Court



Crime committed



Arrest made



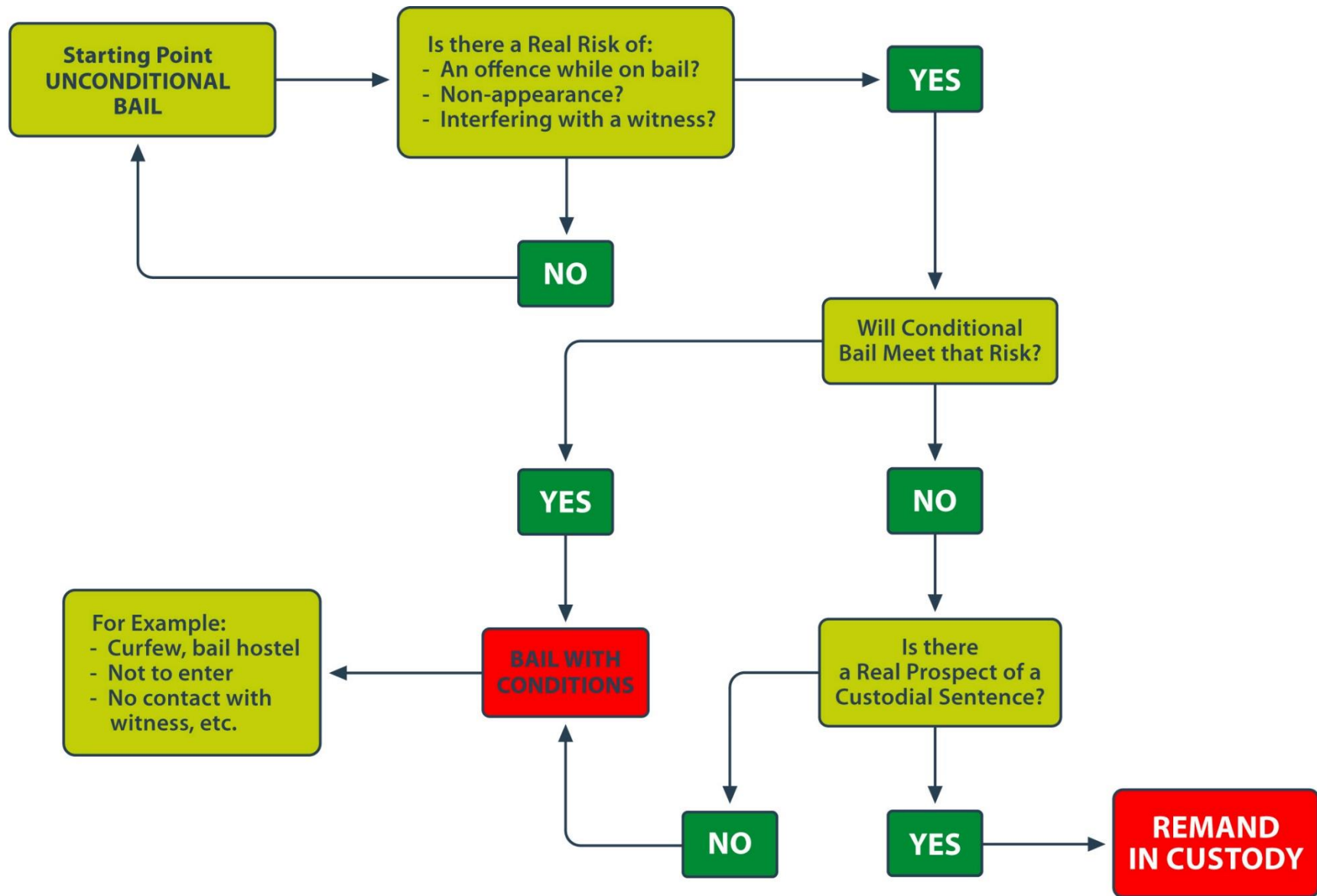
Taken to custody suite and charged



Sent to court for plea to be taken



Bail Decisions



Purpose of Sentence



- Punishment
- Reduction in crime
- Deterrence
- Reform and rehabilitation
- Protection of the public
- Reparation
- Can be all or some of these

Sentencing Guidelines
<https://www.sentencingcouncil.org.uk/the-magistrates-court-sentencing-guidelines/>

Deciding on Sentence 1: The Offence

Less Serious

- No damage/injury
- Impulsive
- Low value

More Serious

- Vulnerable victim
- Weapon
- Group action
- Racially aggravated
- Breach of trust

Increasing seriousness

Discharge

Fine

Community
punishment
order

Prison

Deciding on Sentence 2: The Offender

Less Serious

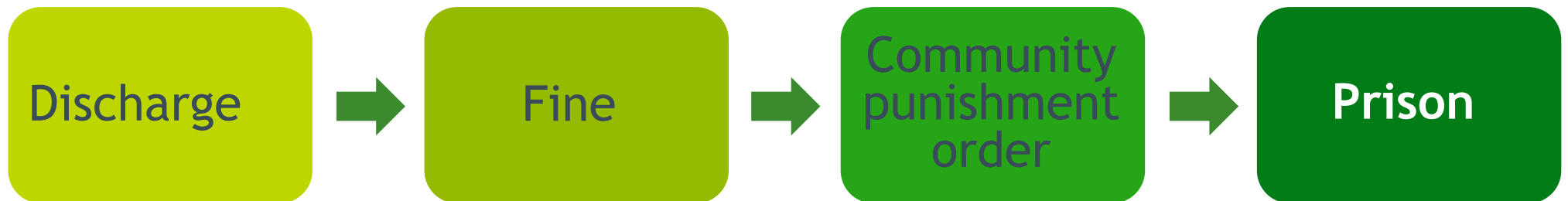
- Remorse
- Co-operation
- Prompt guilty plea
- Good character

More Serious

- Previous record
- Lack of remorse
- Lack of response to previous court order
- Offence on bail/licence

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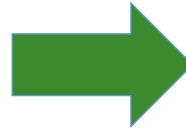
If we need to know more - ask probation



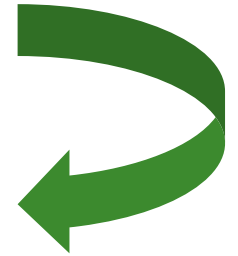
Sentences



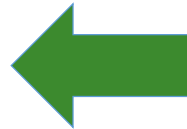
Conditional discharge



Fine



Prison or curfew order



Community sentence



Community Sentence Requirements

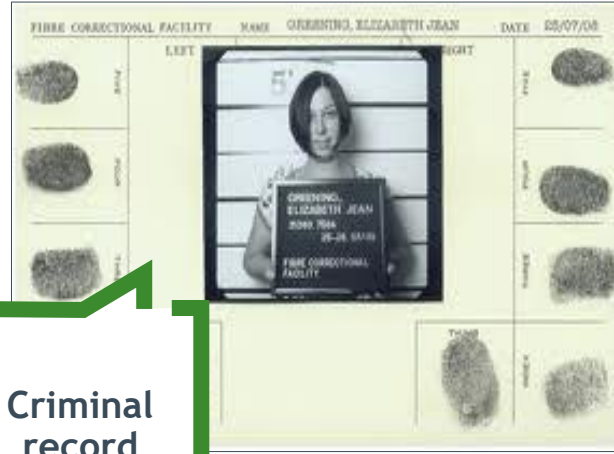
- Unpaid work (40 - 300 Hrs)
 - Rehabilitation Activity (10-60 days)
 - Accredited Programme (e.g. Thinking Skills)
 - Prohibited activity
 - Curfew
 - Exclusion
 - Foreign travel prohibition
 - Residence
 - Mental health treatment*
 - Drug rehabilitation*
 - Alcohol treatment*
 - Attendance centre (if under age 25)
- * requires offender agreement



Consequences after Court



Loss of job opportunities



Criminal record



Visa and travel restrictions



Public shame, for you and family



Loss of trust by friends and family



Higher insurance premiums





Thank you!

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