# Topic Exploration Pack

# The criminal justice system

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## Instructions for teachers

These instructions cover the student activity section which can be found on [page 17](#_Student_Activity). This Topic Exploration Pack supports OCR GCSE (9‒1) Citizenship Studies.

**When distributing the activity section to the students either as a printed copy or as a Word file you will need to remove the teacher instructions section.**

### Learning outcome

This topic is part of the theme ‘rights, the law and the legal system in England and Wales’. The topic also includes reference to parts of the theme ‘democracy and government’.

By studying this topic, learners will develop their knowledge and understanding of:

* The role and powers of the police.
* The work of magistrates’ courts and youth courts.
* Sentencing decisions and judicial independence.
* The effectiveness of imprisonment for offenders, victims and society.

Learners can apply their knowledge and understanding from different parts of the specification to the following citizenship questions and issues:

* How effectively can the police respond to new challenges?
* What rights do citizens have when stopped or arrested by the police?
* How do youth courts differ from magistrates’ courts?
* What factors determine sentences?
* Why is it important for judges to be independent of Parliament and government?
* How effective is imprisonment as a response to crime?

Learners have the opportunity to develop the following skills linked to the specification’s assessment objectives:

* Applying knowledge and understanding to different contexts (AO2).
* Analysing information to help develop an understanding of citizenship issues and debates (AO3).
* Advocating a viewpoint using evidence (AO3).
* Evaluating a viewpoint to reach a reasoned conclusion (AO3).

### Introduction

This topic exploration pack encourages learners to consider some key issues of criminal justice. Issues related to civil law have not been included.

Citizens tend to obey and respect the law if they feel that laws are made and enforced fairly and justly. Citizens have confidence in the law if they feel it protects them, their families and their interests. UK citizens also expect to experience just outcomes when they come into contact with the police, the courts or the penal system.

Most young people will not be arrested by the police, attend court or be convicted of an offence. Nevertheless all citizens should understand the police’s role and responsibilities in a democracy. This forms the first part of our topic exploration. Teachers may wish to extend this section by considering the rights of young people who are stopped, searched or arrested by the police.

Those adults and young people who experience court as victims, witnesses or offenders are most likely to attend a magistrates’ court or youth court. An exploration of these courts’ purposes and functions therefore forms the second part of our exploration.

Thirdly we encourage learners to explore judges’ sentencing decisions and consider the value and importance of an independent judiciary in a democracy. This should further reinforce learners’ understanding of the British constitution and the reasons for the separation of powers between the executive, legislature and judiciary. This issue came to particular public attention in 2015 following protests in Poland following the appointment of judges by a newly-elected government.

Finally we consider the major issue that should be of concern to everyone – how we treat offenders. The Prime Minister’s reforming speech to Policy Exchange in February 2016 made this a headline social and political issue, and one that we examine in the fourth part of this pack.

As part of this exploration, learners should understand the differences between ‘justice’ and ‘fairness’ as these closely-related terms are often used interchangeably.

Justice means giving each person what he or she deserves according to law. This includes:

* protecting everyone from crime and criminals
* enabling people suspected of crime to defend themselves properly
* sentencing criminals so that their punishment fits their crime
* compensating victims of crime so that they are in the same position as before the crime took place.

Fairness involves making judgements that fit the circumstances of a particular case without being influenced by personal feelings or interests.

### Section 1: The role and powers of the police

### Teacher introduction

The British police’s main aim is to keep people safe and prevent crime. They also have responsibilities to: investigate crime; arrest and charge suspects; collect evidence and act as witnesses in criminal courts. The police also brief the Crown Prosecution Service. (The police arrest and charge suspects but they do not make decisions about whether or not to prosecute.)

Police work is regulated carefully and precisely by laws and codes of behaviour. Officers work within a framework designed to promote fairness and justice. Police codes of practice enable citizens to know what to expect from police officers. Successful police work relies on public trust; if the public are confident that they will be treated fairly, then they are more likely to support and cooperate with the police. Police officers are trained to know their responsibilities as well as their rights. Poor behaviour by police officers tends to attract media attention and serves to undermine public trust.

The Metropolitan Police website contains information on police history, the work of the police, police careers and crime. <http://content.met.police.uk/Site/about>

Metropolitan Police priorities are summarised in their business plan at <http://content.met.police.uk/Site/strategyandplans>

Citizens Advice maintains an up to date summary of police powers at

<https://www.citizensadvice.org.uk/law-and-rights/legal-system/police/police-powers/>

Most schools are allocated a police liaison officer. Check whether this officer could support the learning activities in this pack. We’ve referred to the Metropolitan Police in this section of the pack but other police force websites may have information of similar quality and greater local relevance.

### Activities

1. Ask learners to complete a timeline to show the history of the Metropolitan Police. Learners can use [**Resource 1** (page 15)](#_Resource_1:_Describing) and the Metropolitan Police website <http://content.met.police.uk/Site/about> to match developments to the correct dates.
2. Ask learners to comment on changes to police responsibilities revealed by the timeline. Ask them to suggest further likely changes to police responsibilities since year 2000. Ask learners to design some questions to ask a visiting police officer using this information to help them.
3. Ask learners to study the Metropolitan Police’s business plan <http://content.met.police.uk/Site/strategyandplans> and list the force’s priorities. Learners can use [**Resource 2** (page 17)](#_Resource_2:_The) to assist their analysis.
4. Ask learners to analyse the Metropolitan Police priorities and compare them to the priorities of their local police force. What priorities do learners think should drive police action in their communities?
5. Ask learners to create a simple and accessible list of police powers helpful to a person who has been stopped or arrested. Learners can use the Citizens Advice website to help them. <https://www.citizensadvice.org.uk/law-and-rights/legal-system/police/police-powers/>

### Section 2: Magistrates’ courts and youth courts

### Teacher introduction

Over 90% of criminal cases are dealt with in magistrates’ courts and youth courts. Only a small minority of criminal cases are passed on to Crown Courts and most of those start with hearings in a magistrates’ court.

Magistrates deal with three kinds of offence:

* Summary offences. Defendants are not usually entitled to a jury trial in less serious cases e.g. minor assaults or motoring offences. Magistrates generally hear such cases.
* Either-way offences. Some cases can be dealt with in a magistrates’ court or Crown Court. Magistrates can pass defendants to the Crown Court in the case of serious offences where a tough sentence may be appropriate. (Magistrates can impose a maximum sentence of six months’ imprisonment for a single offence.) Either-way offences include theft or handling stolen goods. In such cases a defendant can insist on their right to a jury trial in the Crown Court.
* Indictable-only offences. These cases have their initial hearing in a magistrates’ court but must then be heard at a Crown Court. Examples include serious crimes such as murder, manslaughter, rape and robbery.

Most magistrates are ‘lay magistrates’ (also called Justices of the Peace). Magistrates usually sit in groups of three. One magistrate will have been trained to lead a discussion to resolve the case. They are unpaid volunteers drawn from a range of backgrounds and occupations. Magistrates receive training but do not need legal qualifications.

Magistrates are trained to listen to all sides of an argument before deciding whether a defendant is guilty and what punishment should be imposed. This is in contrast to a Crown Court where the judge who is responsible for sentencing but it is a jury’s responsibility to decide guilt or innocence.

A youth court is a special type of magistrates’ court for people aged between 10 and 17. Youth courts are organised in a less formal way than magistrates’ courts, and have a special responsibility to safeguard the welfare of all young people and to prevent them reoffending.

* For more details on magistrates’ courts try <https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/magistrates-court/> This website also provides accessible and interesting information on all aspects of the court system including judicial careers <https://www.judiciary.gov.uk>
* An excellent introductory video made by the *University of Derby* introduces all the roles played by people in a magistrates’ court <https://www.youtube.com/watch?v=WeNDacwO5NA>
* The *Magistrates Association* website offers detailed information about how to become a magistrate <https://magistrates-association.org.uk/about-magistrates> The video *Becoming a Magistrate* introduces magistrates from a range of backgrounds and explores their reasons for volunteering <https://www.youtube.com/watch?v=MzzZGtnerxU>

For more details on the differences between youth courts and magistrates’ courts, try the video from the *North Yorkshire Youth Justice Service* <https://www.youtube.com/watch?v=8V0nI_sPZ5I> and the following text-based resources <https://magistrates-association.org.uk/about-magistrates/youth-court> and <https://www.gov.uk/courts/youth-courts>. *Citizens Advice* has a clear and comprehensive guide to the English and Welsh court system at <https://www.citizensadvice.org.uk/law-and-rights/legal-system/taking-legal-action/courts-of-law/>

Through the *Magistrates in the Community* programme, teams of magistrates are willing to visit schools to discuss: how magistrates are appointed; the type of cases they deal with; how decisions are made about guilt, innocence and sentencing. The Magistrates Association website has more details <https://magistrates-association.org.uk/about-magistrates/magistrates-community>.Teachers can also arrange visits to a magistrates’ court with small groups of learners.

### Activities

1. Ask learners to use [**Resource 3** (page 18)](#_Resource_3:_The) to help them decide where particular cases would be dealt with.
2. Ask learners to draw up a job description and person specification for a magistrate. Thinking about the personal qualities required, which learners in the class might make the best candidates? (Useful resources for this activity include the video *Becoming a Magistrate* <https://www.youtube.com/watch?v=MzzZGtnerxU> and access to the *Magistrates’ Association* website https://magistrates-association.org.uk/about-magistrates )
3. Organise a discussion of the possible advantages and disadvantages of citizens without formal legal training administering justice. (For an introduction to this issue try - <http://www.inbrief.co.uk/legal-system/lay-magistrates-juries.htm>)
4. Ask learners to use [**Resource 4** (page 19)](#_Resource_4:_Magistrates’) to identify the differences between a magistrates’ court and youth court. (Useful resources include a video from the *North Yorkshire Youth Justice Service* <https://www.youtube.com/watch?v=8V0nI_sPZ5I>, and text-based resources <https://magistrates-association.org.uk/about-magistrates/youth-court> and <https://www.gov.uk/courts/youth-courts>.)

### Section 3: Sentencing decisions and judicial independence

### Teacher introduction

Sentencing illustrates the divisions of responsibility between the independent judiciary, the legislature and the executive. Parliament makes the law. Judges interpret and implement the law but can also ‘make law’ themselves by matching laws to modern circumstances where necessary and establishing precedent.

Judges and magistrates do not have complete freedom when deciding sentences. They are required to follow sentencing guidelines decided by the *Sentencing Council*. The *Sentencing Council* is independent of the legislature and the executive. Its role is to maintain the judiciary’s independence whilst ensuring that sentencing is consistent, and is seen to be fair and just. The *Sentencing Council* establishes sentencing guidelines by taking account of both public opinion and government policy. The Council also aims to increase public understanding of sentencing. The Council’s website includes public consultations on the punishments that might be appropriate for particular types of offence. In February 2016 the Council was consulting on how far to reduce the sentences of those offenders who plead guilty.

The *Sentencing Council’s* website includes a short animated film explaining how sentencing works <http://www.sentencingcouncil.org.uk/>

The Justice website includes a section – *You be the judge* – which enables learners to apply their knowledge of sentencing to particular cases <http://www.ybtj.justice.gov.uk/>.

Judges become very concerned if they believe the Government or MPs are attempting to interfere with their decisions. Some MPs state clearly to their constituents that they cannot interfere with decisions made in court or the legal process.

(See website of Craig Whittaker MP <http://craigwhittakermp.co.uk/contact-us/>.) Nevertheless, governments and politicians sometimes show their frustration when judges, decisions seem to defy government policy or run counter to public opinion. For example, in 2013, Diana Johnson MP criticised the sentencing of sex-offender Stuart Hall as being too lenient and asked the Attorney General to refer the sentence to the Court of Appeal <http://www.hulldailymail.co.uk/Hull-MP-Stuart-Hall-jail-term-lenient/story-19317253-detail/story.html>.

The separation of powers between the executive, legislature and the judiciary is a crucial part of the British constitution and one that learners should understand. The *Judiciary* website provides a clear explanation for the importance of judicial independence for effective a democracy <https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/independence/>.

### Activities

1. Ask learners to view the short video on sentencing <http://www.sentencingcouncil.org.uk/> and to:

* describe the factors judges and magistrates must take into account when deciding a sentence
* list the four types of sentence available to judges and magistrates.

1. Ask learners to find the You be the judge section on the Justice website at <http://www.ybtj.justice.gov.uk/>. They should consider at least three cases, give their sentence and explain their reasoning by describing:

* the seriousness of the offence
* aggravating factors
* mitigating factors.

For each case, learners should compare the sentence they give with the one decided by the court and explain any differences. Learners can use [**Resource 5** (page 21)](#_Resource_5:_You) to record their decisions.

1. Ask learners to research how judges are appointed and how this process has recently been adjusted to ensure that all sections of the population are fairly represented. <https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/jud-appts/> Ask learners to analyse the BBC news item at <http://www.bbc.co.uk/news/uk-24370177> and explain why the Supreme Court’s appointment process has been criticised.
2. Ask learners to explain why judicial independence is important in a democracy with reference to some of the links identified in the *Teacher introduction* above.

### Section 4: Do prisons work?

### Teacher introduction

At a cost of over £37,000 per prisoner per year, imprisonment is a particularly expensive way of dealing with crime. It is also ineffective if judged by its record of reducing the likelihood of further offending. 46 % of adults released from prison commit further crimes within one year. (A detailed breakdown of prison statistics is available through the *Bromley Briefings* of the *Prison Reform Trust* <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Prison%20the%20facts%20May%202014.pdf>.)

However, victims of crime report a greater sense of justice and personal security if those who have caused them serious harm are imprisoned. Public opinion is also strongly in favour of harsh treatment for serious offenders. See Lord Ashcroft’s 2011 opinion poll at <http://lordashcroftpolls.com/2011/04/crime-punishment-the-people/>

Governments have found it difficult to achieve a balance in the face of calls from crime victims and the general public for retribution and incarceration, and demands from reformers to humanise the justice system. For details of the reformist agenda try the Howard League’s 2016 parliamentary briefing <https://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Briefings/Briefing_for_Lord_Fowler.pdf>

Most agree that imprisonment is appropriate for those offenders who pose a serious threat to the public but, at the start of 2016, Prime Minister David Cameron tried to resolve the dilemma described above by proposing a radical overall of the prison system and the further use of alternatives to imprisonment. For a text-based version of the speech, go to <https://www.gov.uk/government/speeches/prison-reform-prime-ministers-speech>. A video version of the speech is available at <https://www.youtube.com/watch?v=W-Si29Tc9As>

Some of the sentencing options available to courts are described in the table below. Courts are able to use a combination of these methods.

|  |  |
| --- | --- |
| **Imprisonment with employment or community work** | In appropriate cases, prisoners are placed in the community learning new workplace skills on weekdays and return to prison at weekends. While ‘on release’ prisoners are closely supervised and tagged. David Cameron proposed an extension of such schemes in February 2016. |
| **Suspended sentences** | Offenders are told that they will be jailed if further crimes are committed within a set period of time – usually six months or a year. Offenders get support to help them stay out of trouble. |
| **Fines** | Courts may impose a fine as an alternative to prison. |
| **Electronic monitoring or ‘tagging’** | Offenders are banned from certain areas and/or must be at home at particular times. |
| **Drug Treatment and Testing Orders (DTTO)** | Offenders must attend a drug treatment centre regularly over a period between six months and three years and are tested to see whether they are continuing to use drugs. |
| **Community Rehabilitation Orders (CRO)** | CROs are imposed for a minimum of six months and a maximum of three years. CROs may include: restrictions on the offenders’ movements; attendance at a probation centre; and treatment for alcohol, drug, or mental health issues. |
| **Community Punishment Orders (CPO)** | Unpaid community work for between forty and two hundred and forty hours. |
| **Community Punishment and Rehabilitation Orders (CPRO)** | CRO and CPO in combination (One to three years on probation combined with between forty and one hundred hours of community punishment.) |
| **Restorative justice** | During supervised face to face contact between the offender and their victim, the offender hears about the impact of their crime and apologises to the victim. The victim may also be compensated by the offender. |

### Activities

1. Ask learners to complete the tasks below after studying prison facts from the Bromley Briefings at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Prison%20the%20facts%20May%202014.pdf>
2. Record five facts that suggest prisons are not always the best response to crime
3. Compare your list with those of other learners
4. Suggest two ways in which reoffending levels could be reduced.
5. Ask learners to study the *Howard League for Prison Reform’s* website and describe two of the League’s proposals for reducing the prison population. <http://www.howardleague.org/>
6. Ask learners to view the Prime Minister’s speech about prison reform <https://www.youtube.com/watch?v=W-Si29Tc9As> and to use [**Resource 6** (page 22)](#_Resource_6:_The) to summarise his points.
7. Ask learners to prepare a slide, blog post or web page advocating action to reduce prisoner numbers in the long term.
8. Ask learners to use [**Resource 7** (page 23)](#_Resource_7:_Matching) to decide sanctions that may be appropriate for particular offenders.
9. Organise a plenary session to discuss learners’ proposals on [**Resource 7**](#_Resource_7:_Matching).

### Suggested answers to worksheet questions for teachers

### Resource 1: The Metropolitan Police – timeline

|  |  |
| --- | --- |
| **1829** | The formation of the Metropolitan Police Force. |
| **1842** | Formation of the Detective Department. |
| **1848** | Special constables enrolled to help control large demonstrations. |
| **1853** | Member of Parliament accuses police of being poor value for money. |
| **1872** | Police go on strike for the first time. |
| **1895** | New qualifications brought in for police officers. |
| **1898** | Call for all police officers to carry guns. |
| **1926** | Attempt to assassinate the Metropolitan Police Commissioner with poisoned chocolates. |
| **1934** | Hendon Police College opens. |
| **1937** | The 999 call system starts. |
| **1951** | First police cadets enter training. |
| **1960** | Traffic wardens introduced. |
| **1967** | Norwell Roberts becomes London’s first black police officer and goes on to complete thirty years’ service. |
| **1980** | Iranian Embassy siege brought to a successful conclusion after cooperation between the Met and the Special Air Service (SAS) Regiment. |
| **1991** | Sector Policing introduced, involving a team of officers with a continuing responsibility for the same small community area or sector. |
| **1998** | Better protection provided to ethnic communities from racial and violent crime. |

### Resource 2: The Metropolitan Police’s priorities

|  |  |  |  |
| --- | --- | --- | --- |
| **Mission** | To cut crime and the fear of crime, the keep the Queen’s peace, to maintain public order and to ensure that we are here for London. | | |
| **Priorities** | | | |
| **Safety** | | **Confidence** | **Value for money** |
| **Objectives:** | | **Objectives:** | **Objectives:** |
| **1.** Reduce victimisation. | | **1.** Improve the quality of our engagement with the public. | **1.** Deliver efficient and effective support services at the lowest possible unit cost. |
| **2.** Target the most harmful offenders. | | **2.** Improve individual access to police services. | **2.** To make the most productive use of our operational asset including our people. |
| **3.** Reduce crime particularly in problem locations. | | **3.** Improve response policing and the satisfaction of service users. | **3.** To do all that we can to maintain operational capability. |
| **4.** Prevent terrorism and violent extremism. | | **4.** Improve the quality of our interactions with the public. |  |

### Resource 3: The types of court

| **Youth Court** | **Magistrates’ Court** | **Crown Court** |
| --- | --- | --- |
| A seventeen year old boy accused of theft from a shop. | A man who feels falsely accused of a motoring offence who wants a jury trial. | A sixteen year old girl accused of attempted murder. |
| A fourteen year old girl accused of using social media to threaten her schoolmates. | A woman accused of disposing of garden waste into a public pond causing death to wildlife. | An eighteen year old woman accused of robbery. |

### Resource 4: Magistrates’ and youth courts

| **Magistrates’ Court** | **Youth Court** |
| --- | --- |
| Seeks to achieve justice for the victim and protection of the community as well as justice for the offender. | Seeks to safeguard the welfare of all young people and to prevent them reoffending. |
| Deals with adults over the age of 17. | Deals with young people under the age of 18. |
| Defendants are called by their family name and sit apart from other people in the court. | Defendants are called by their first name and sit with their parents, legal representative and youth offending team representative. |
| The defendant does not have to be accompanied by family members but they can observe the case from the public gallery. | Defendants under 16 must be accompanied by a parent or carer. |
| Cases are heard by three magistrates or a district judge. | Cases are heard by three magistrates or a district judge. |
| Offenders can be sentenced to up to six months’ imprisonment for a single offence or made to pay a fine of up to £5000. | Offenders are normally given a community sentence which may include a fine and restitution to the victim. Youth courts can also give detention and training orders. |
| Members of the public are allowed to view cases as they take place. | Members of the public are not allowed to view cases in a youth court without specific permission. |
| The media are free to report on proceedings and name the defendant. | The media can usually report on proceedings but cannot name the defendant. |
| Serious crimes such as murder or rape are dealt with by a judge and jury in a Crown Court. | Serious crimes such as murder or rape are dealt with by a judge and jury in a Crown Court. |

### Resource 6: The Prime Minister’s speech

| **Key questions** | **David Cameron’s responses** |
| --- | --- |
| **Do we need prisons?** | Yes. “Some people – including, of course, rapists, murderers, child abusers, gang leaders – belong in prisons.” |
| **Who should be the Government’s priority?** | Victims of crime. |
| **What should the prison system offer to offenders?** | “… chances to change, that for those trying hard to turn themselves around, we should offer hope, that in a compassionate country, we should help those who’ve made mistakes to find their way back onto the right path.” |
| **Are prisons too much like holiday camps?** | “Prisons aren’t a holiday camp – not really. They are often miserable, painful environments. Isolation. Mental anguish. Idleness. Bullying. Self-harm. Violence. Suicide. These aren’t happy places.” |
| **What do you propose?** | “We’ve got to move on – and develop a sensible plan for prison reform that will deliver better outcomes, improved public safety and lower costs for taxpayers.” |
| **How do you plan to achieve this?** | “One: give much greater autonomy to the professionals who work in our public services, and allow new providers and new ideas to flourish.  Two: hold these providers and professionals to account with real transparency over outcomes.  Three: intervene decisively and dramatically to deal with persistent failure, or to fix the underlying problems people may have.  Four: use the latest behavioural insights evidence and harness new technology to deliver better outcomes.” |
| **Can you give two examples to support these aims?** | Any two strong examples can be taken from the second half of the speech. |
| **What is the big prize if this succeeds?** | “If we get this right, we can begin to deliver the lower reoffending rates that will protect the poorest who so often bear the brunt of crime.  If we get it right, we can change the culture so that our brilliant staff can be empowered to lead the world with new rehabilitation techniques and smarter ways of managing prisoners.  If we get it right, we can change lives, improve public safety and bring hope to those for whom it was in short supply.” |

### 

### Resource 7: Matching crimes to punishments

|  | **Punishments** | **Criminal cases** |
| --- | --- | --- |
| ✂ | **Imprisonment**  Usually prisoners serve around half their sentence in jail. If their behaviour is good, they will be allowed to serve the rest of their sentence in the community. If their behaviour is poor, they can be returned to prison. In the most serious cases, prisoners are not allowed release time. | A man aged thirty five is convicted of rape. He had only recently been released from prison following a series of sexual assaults on young women. He poses a serious danger to women. |
| ✂ | **Imprisonment with employment or community work**  In appropriate cases, prisoners are placed in the community learning new workplace skills on weekdays and return to prison at weekends. While ‘on release’ prisoners are closely supervised and tagged. | A forty five year old woman has been convicted of drug dealing. She has already served a suspended sentence for supply of drugs. She has had difficulty finding a job because of her lack of skills and qualifications. She has told the court that she now wishes to set a good example to her own teenager children. |
| ✂ | **Suspended sentences**  Offenders are told that they will be jailed if further crimes are committed within a set period of time – usually six months or a year. Offenders get support to help them stay out of trouble. | A twenty two year old man has been convicted of burglary for the third time. Each offence has been relatively minor and in all cases the houses were empty. He has been fined and completed community service for previous offences. He has recently settled down with his girlfriend whose father has offered him a job. |
| ✂ | **Fines**  Courts may impose a fine as an alternative to prison. | A sixty year old man has been convicted of fraud. He has been advertising cars for sale and taking people’s money without giving them a car. Police investigation showed that he had no cars to sell in the first place. He has agreed to pay the money back. |
| ✂ | **Electronic monitoring or ‘tagging’**  Offenders are banned from certain areas and/or must be at home at particular times. | A thirty year old woman has been seeking revenge on her ex-boyfriend. She has written abusive comments on his house windows and visited his neighbours to make accusations against him. |
| ✂ | **Community Rehabilitation Orders (CRO)**  CROs are imposed for a minimum of six months and a maximum of three years. CROs may include: restrictions on the offenders’ movements; attendance at a probation centre; and treatment for alcohol, drug, or mental health issues. | A woman aged twenty-five has been repeatedly causing disruption in a town centre on a Friday night. This has included being drunk and disorderly, challenging other women to fight her and disobeying reasonable instructions from police officers. She has been arrested several times. Most recently she was found to be under the influence of drugs and admitted that this was the major part of her current problems. |
| ✂ | **Community Punishment Order (CPO)**  Unpaid community work for between forty and two hundred and forty hours. | A fifty year old man has been convicted of shoplifting. He stole two bars of chocolate worth £3 but paid for the rest of his shopping. He told police that he just wanted to see if he could get away with it and admitted previous offences. He is now sorry. |
| ✂ | **Restorative justice**  During supervised face to face contact between the offender and their victim, the offender hears about the impact of their crime and apologises to the victim. The victim may also be compensated by the offender. | A fifteen year old girl has been throwing stones at an elderly person’s windows in order to impress her older friends. The elderly lady has become very distressed and has been afraid to go out. As a result, her front garden has become overgrown and untidy. |

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# Topic Exploration Pack

# The criminal justice system

## Student activity section

### Resource 1: The Metropolitan Police – timeline

Put each event below in the correct place on the Metropolitan Police’s history timeline.

Use the Metropolitan Police website to help you <http://content.met.police.uk/Site/about>

|  |
| --- |
| Formation of the Detective Department. |
| Norwell Roberts becomes London’s first black police officer and goes on to complete thirty years’ service. |
| Special constables enrolled to help control large demonstrations. |
| Attempt to assassinate the Metropolitan Police Commissioner with poisoned chocolates. |
| Iranian Embassy siege brought to a successful conclusion after cooperation between the Met and the Special Air Service (SAS) Regiment. |
| The 999 call system starts. |
| New qualifications brought in for police officers. |
| Police go on strike for the first time. |
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**Metropolitan Police history timeline 1829 - 2000**

|  |  |
| --- | --- |
| **1829** |  |
| **1842** |  |
| **1848** |  |
| **1853** |  |
| **1872** |  |
| **1895** |  |
| **1898** |  |
| **1926** |  |
| **1934** |  |
| **1937** |  |
| **1951** |  |
| **1960** |  |
| **1967** |  |
| **1980** |  |
| **1991** |  |
| **1998** |  |

### Resource 2: The Metropolitan Police’s priorities

Use the chart below to record the Metropolitan Police’s priorities (2011-14) using information from <http://content.met.police.uk/Site/strategyandplans>

|  |  |  |  |
| --- | --- | --- | --- |
| **Mission** | To cut crime and the fear of crime, the keep the Queen’s peace, to maintain public order and to ensure that we are here for London. | | |
| **Priorities** | | | |
| **Safety** | | **Confidence** | **Value for money** |
| **Objectives:** | | **Objectives:** | **Objectives:** |
|  | |  |  |
|  | |  |  |
|  | |  |  |
|  | |  |  |

*Note – for the purposes of this exercise the 2011-14 mission statement has been used – this can be adapted to suit updated version via* [*www.met.police.uk*](http://www.met.police.uk)

### Resource 3: The types of court

There is a danger that the criminal cases below will be heard in the wrong courts. Adjust the chart to place cases in the correct courts. Use the courts guide from *Citizens Advice* to help you with this activity <https://www.citizensadvice.org.uk/law-and-rights/legal-system/taking-legal-action/courts-of-law/>

| **Youth Court** | **Magistrates’ Court** | **Crown Court** |
| --- | --- | --- |
| An eighteen year old woman accused of disposing of garden waste into a public pond causing death to wildlife. | A fourteen year old girl accused of using social media to threaten her schoolmates. | A man who feels falsely accused of a motoring offence who wants a jury trial. |
| A sixteen year old girl accused of attempted murder. | An eighteen year old woman accused of robbery. | A seventeen year old boy accused of theft from a shop. |

| **Youth Court** | **Magistrates’ Court** | **Crown Court** |
| --- | --- | --- |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

### Resource 4: Magistrates’ and youth courts

Use the chart below to show the differences between magistrates’ courts and youth courts.

Use the following resources to help you:

* a video showing a youth court hearing in North Yorkshire <https://www.youtube.com/watch?v=8V0nI_sPZ5I>
* text-based resources <https://magistrates-association.org.uk/about-magistrates/youth-court> and <https://www.gov.uk/courts/youth-courts>

| **Magistrates’ Court** | **Youth Court** |
| --- | --- |
| Seeks to achieve justice for the victim and protection of the community as well as justice for the offender. |  |
| Deals with adults over the age of 17. |  |
| Defendants are called by their family name and sit apart from other people in the court. |  |
| The defendant does not have to be accompanied by family members but they can observe the case from the public gallery. |  |
| Cases are heard by three magistrates or a district judge. |  |
| Offenders can be sentenced to up to six months’ imprisonment for a single offence or made to pay a fine of up to £5000. |  |
| Members of the public are allowed to view cases as they take place. |  |
| The media are free to report on proceedings and name the defendant. |  |
| Serious crimes such as murder or rape are dealt with by a judge and jury in a Crown Court. |  |

### Resource 5: You be the judge

Find the *You be the judge* section on the Justice website at <http://www.ybtj.justice.gov.uk/>.

Consider at least three cases. Record your sentence and explain your reasoning by commenting on:

* the seriousness of the offence
* aggravating factors
* mitigating factors.

For each case, compare your sentence with the one given by the court and explain any differences.

| **Case 1**  **Description of the case** | **Case 2**  **Description of the case** | **Case 3**  **Description of the case** |
| --- | --- | --- |
| **Your sentence** | **Your sentence** | **Your sentence** |
|  |  |  |
| Seriousness of the offence | Seriousness of the offence | Seriousness of the offence |
|  |  |  |
| Aggravating factors | Aggravating factors | Aggravating factors |
|  |  |  |
| Mitigating factors | Mitigating factors | Mitigating factors |
|  |  |  |
| **Court’s sentence** | **Court’s sentence** | **Court’s sentence** |
|  |  |  |
| Main reasons for any differences | Main reasons for any differences | Main reasons for any differences |
|  |  |  |

### Resource 6: The Prime Minister’s speech

Listen to the Prime Minister’s speech on prison reform delivered to the Policy Exchange in February 2016. <https://www.youtube.com/watch?v=W-Si29Tc9As> or read it at <https://www.gov.uk/government/speeches/prison-reform-prime-ministers-speech>

Record David Cameron’s main points, as if you were a media reporter asking him questions. Use the chart below to help organise your information.

| **Key questions** | **David Cameron’s responses** |
| --- | --- |
| **Do we need prisons?** |  |
| **Who should be the Government’s priority?** |  |
| **What should the prison system offer to offenders?** |  |
| **Are prisons too much like holiday camps?** |  |
| **What do you propose?** |  |
| **How do you plan to achieve this?** |  |
| **Can you give two examples to support these aims?** |  |
| **What is the big prize if this succeeds?** |  |

### Resource 7: Matching crimes to punishments

Consider the lists of crimes and random punishments below. Rearrange the sections of the chart so that punishments fit the crime. Discuss reasons for your decisions with other learners and your teacher.

|  | **Punishments** | **Criminal cases** |
| --- | --- | --- |
| ✂ | **Imprisonment**  Usually prisoners serve around half their sentence in jail. If their behaviour is good, they will be allowed to serve the rest of their sentence in the community. If their behaviour is poor, they can be returned to prison. In the most serious cases, prisoners are not allowed release time. | A man aged thirty five is convicted of rape. He had only recently been released from prison following a series of sexual assaults on young women. He poses a serious danger to women. |
| ✂ | **Imprisonment with employment or community work**  In appropriate cases, prisoners are placed in the community learning new workplace skills on weekdays and return to prison at weekends. While ‘on release’ prisoners are closely supervised and tagged. | A forty five year old woman has been convicted of drug dealing. She has already served a suspended sentence for supply of drugs. She has had difficulty finding a job because of her lack of skills and qualifications. She has told the court that she now wishes to set a good example to her own teenager children. |
| ✂ | **Suspended sentences**  Offenders are told that they will be jailed if further crimes are committed within a set period of time – usually six months or a year. Offenders get support to help them stay out of trouble. | A twenty two year old man has been convicted of burglary for the third time. Each offence has been relatively minor and in all cases the houses were empty. He has been fined and completed community service for previous offences. He has recently settled down with his girlfriend whose father has offered him a job. |
| ✂ | **Fines**  Courts may impose a fine as an alternative to prison. | A sixty year old man has been convicted of fraud. He has been advertising cars for sale and taking people’s money without giving them a car. Police investigation showed that he had no cars to sell in the first place. He has agreed to pay the money back. |
| ✂ | **Electronic monitoring or ‘tagging’**  Offenders are banned from certain areas and/or must be at home at particular times. | A thirty year old woman has been seeking revenge on her ex-boyfriend. She has written abusive comments on his house windows and visited his neighbours to make accusations against him. |
| ✂ | **Community Rehabilitation Orders (CRO)**  CROs are imposed for a minimum of six months and a maximum of three years. CROs may include: restrictions on the offenders’ movements; attendance at a probation centre; and treatment for alcohol, drug, or mental health issues. | A woman aged twenty five has been repeatedly causing disruption in a town centre on a Friday night. This has included being drunk and disorderly, challenging other women to fight her and disobeying reasonable instructions from police officers. She has been arrested several times. Most recently she was found to be under the influence of drugs and admitted that this was the major part of her current problems. |
| ✂ | **Community Punishment Order (CPO)**  Unpaid community work for between forty and two hundred and forty hours. | A fifty year old man has been convicted of shoplifting. He stole two bars of chocolate worth £3 but paid for the rest of his shopping. He told police that he just wanted to see if he could get away with it and admitted previous offences. He is now sorry. |
| ✂ | **Restorative justice**  During supervised face to face contact between the offender and their victim, the offender hears about the impact of their crime and apologises to the victim. The victim may also be compensated by the offender. | A fifteen year old girl has been throwing stones at an elderly person’s windows in order to impress her older friends. The elderly lady has become very distressed and has been afraid to go out. As a result, her front garden has become overgrown and untidy. |