



People for Proper Policing in North Wales

Spot fines and cautions make criminal law a farce, says judge

Richard Ford and Frances Gibb The Times December 24, 2007

The huge growth in on-the-spot fines to keep offenders out of the courts is in danger of bringing the law into disrepute, the Lord Chief Justice's chief of staff says.

Lord Justice Leveson, the senior presiding judge in England and Wales, said that the use of fixed-penalty notices in some cases had become a farce.

In one case an offender had accumulated fines to a total of **£960 for “no fewer than eight notices for theft, presumably shoplifting, and one for drunk and disorderly.** *They were all unpaid, with no real prospect of ever being able to pay a single one of them*”, the judge said in a lecture sponsored by The Times.

In another case, an offender gave the name of a distinguished war hero and the address of the square in which the hero's statue stood. The judge said: *“Without satisfactory confirmation of identity, again a PND [penalty notice for disorder] becomes a farce.”*

The judge also expressed concern that another out-of-court penalty, **a conditional caution, could undermine “our system of summary justice” because decisions were being made “behind closed doors”.**

The rise of summary justice at the expense of formal hearings in the courts led to 51 per cent of offences being dealt with last year by a caution, on-the-spot fine or cannabis warning. This was the first time in modern criminal history that **more than half of offences were dealt with by out-of-court punishments.**

Courtroom convictions as a proportion of all offences brought to justice in England and Wales have **fallen by almost 20 percentage points in five years.** Figures published last month show that convictions in court accounted for 49 per cent of all offences brought to justice in 2006-07, compared with 68 per cent in 2002-03.

Cautions increased by 17 per cent last year to 350,000, fixed-penalty notices issued by the police rose by 37 per cent to 210,200 and warnings for cannabis possession rose from 57,700 to 83,000. Only 52 per cent of the fines were paid in full.

Lord Justice Leveson emphasised in the lecture at the Centre for Crime and Justice Studies, King's College, London, that penalty notices for disorder and conditional cautions could still be useful.

Fixed-penalty notices for disorder were brought in as an effective means for police to deal with low-level, antisocial and nuisance offending, often at night and in busy city centres, for offenders aged 18 and over. But their rapid growth has fuelled fears that out-of-court punishments are being used to meet the government target of bringing 1.25 million offences to justice in 2006-07 – a target that was easily met, with 1.43 million being brought to justice.

The judge said: *“There has been some concern that their use is extending far beyond those cases and, far from underlining the importance of complying with the law, risks bringing it into disrepute.”*

Conditional cautions were given where an offender admitted an offence and they carried conditions that were “entirely rehabilitative and restorative”. He expressed concern at powers that will allow punitive conditions to be imposed on an offender.

“It is not a question of not trusting the police or the Crown Prosecution Service, or challenging the will of Parliament. It goes back to our system of summary justice, carried out in public by members of the public appointed as magistrates, whose decisions can be scrutinised by the public.”

Simon Bourne-Arton, QC, leader of the North Eastern Circuit, told how a man from Bradford with previous convictions for violence was **offered a caution for fracturing the legs of a baby when he lost his temper.**

Cindy Barnett, chairman of the 30,000-strong Magistrates' Association, said: ***“We are concerned that cases that should be decided judicially in open court are being decided outside the courts system – with the potential for miscarriages of justice.”***

The PPP comments ... The judge is describing a system designed by a control freak, do it on the cheap, government aided and abetted by... Richard Brunstrom.

It is a system that is fundamentally flawed and wide open to abuses in both directions.

We reported on Brunstrom's blog on the subject of 'points' in April last year. Use our News article search with **points or **Brunstrom** to find it**