

## A life on the bench – Graham Higgins

Graham Higgins gave an interesting talk to at the February meeting about the work and history of magistrates. Graham has been an active magistrate for over 25 years starting his training in Bury St. Edmunds.

He explained that in 1361 magistrates were formally appointed to provide local justice. Prior to this communities had to wait over two years in Suffolk for the visit of a judge from London. People accused of crimes just languished in gaol while they waited to be tried. Magistrates could decide whether there was a case to answer and they dealt with punishments for lesser crimes. They were expected to impose instant justice to deter offenders. The use of the birch was only ended in 1949, and flogging with the cat of nine tails for assaults on police and prison officers in 1964.

Magistrates were used to control the movement of peasants and keep them in their parish where they would fulfil any contracts of employment. The shortage of labour after the Black Death of 1348-1349 had led to a sharp increase in wages as peasants were prepared to move to better paid jobs.

Only serious cases, such as murder or assault, were tried by courts where the prosecution just had to prove guilt as the accused had no right to offer a defence. The offender would be hanged and all of his property seized by the crown. Clerics were tried by an ecclesiastical court where the penalties were lighter. Proof of holy orders was the ability to read and recite the 51<sup>st</sup> Psalm but anyone claiming to be a cleric to avoid a criminal court was branded on the hand so that they could only commit a crime once. This led to the practice of holding up a right hand when swearing an oath in court.

By the end of the 18th Century people could be hanged for over 200 crimes. A more humane punishment was thought to be transportation. Initially in 1787 petty criminals were sent to America and later to Australia.

Bringing things up to date Graham commented that many people appearing before him now have committed crimes to finance a drug addiction. He gave an explanation of how county lines operated to distribute drugs from larger cities to small towns often involving setting up in the home of a vulnerable person to take regular parcel deliveries

which we re-packed into smaller units for sale. He also talked about how knife crime had escalated, especially amongst young teenagers.

On a positive note he mentioned how 'street pastors' were helping to stop violence escalating on the streets outside pubs etc. using methods like asking friends to take their drunken mate home or calling a taxi to remove them from a situation.

He advised of the various actions open to magistrates and how expensive some of them were. The least serious offence could receive a conditional discharge for a period of time. The most frequent was a fine based on weekly earnings plus other measure such as a driving ban. Then there was community service, ie unpaid work for 7.5 hours per day, 4 days a week. Curfews were also an option where there is a unit at home and they have to be within a certain distance for say 16 hours a day. Supervision by professionals is another option to endeavour to prevent future offences, for example groups are made to face up to the damage their action has caused to family, victims etc.

Magistrates also have the option of sending someone to prison for a 6 month period, or 2 consecutive periods of 6 months. This is generally done when the public need protecting. This is very costly with the cost of a young offender being the most expensive at over £100,000 per annum and around 75% of prisoners go on to re-offend.

Graham then read out a fictitious case and asked the U3A audience to give their feedback as to what action they recommended. This only served to demonstrate how difficult it is to temper punishment with measures to rehabilitate.