

2015

ESRC Festival of Social Science: Challenging Perceptions of Law and Criminal Justice

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**ESRC FESTIVAL OF SOCIAL SCIENCE:
CHALLENGING PERCEPTIONS OF LAW AND CRIMINAL JUSTICE**

5 November 2014 - in partnership with Plymouth Central Library

Patricia Gray and Kim Stevenson

This event was one of over two dozen held in the South West and Wales region as part of the annual week long series of free events organized and sponsored by the Economic and Social Science Research Council to celebrate and promote social science research. This year's theme was ['Talking Social Science'](#) and the Law School's proposal, Challenging Perceptions of Law and Criminal Justice was approved through the competitive process. The event was run by Law and Criminal Justice lecturers and students from Plymouth Law School and was opened by Dr. Dan Gilling, Head of Plymouth University Law School. In partnership with Plymouth Central Library, the event provided the opportunity for the public, particularly young people, to learn about how academic research can improve community life and contribute to promoting fairness and justice. Twenty posters (all listed in the Appendix) were on display in the exhibition which illustrated current criminological and legal issues of core concern to the community, particularly challenging public misconceptions of crime and punishment, difficulties in accessing the law and legal advice for disadvantaged and vulnerable groups, homelessness, the rights and interests of victims, challenging hate crime, rehabilitating offenders, restorative justice and immigration.



The exhibition was designed to facilitate active public engagement, with all the researchers and student groups present and available to answer questions and talk in more detail about their posters and the research and issues which underlay them. Participants were encouraged to read and engage with the posters by entering a quiz competition with answers embedded in the posters and prizes distributed at the end of the afternoon's activities. Some of the posters also had embedded Virtual Reality links which viewers could scan to find out more information about the subject, access associated web pages or watch short video clips.

Five of the posters are included here by way of illustration beginning with this generic poster advertising the event which was specially created by Criminology and Criminal Justice graduate Mike Ives for the event to link together all the various law and criminal justice themes from the exhibition.

[Editor's Note: Mike's final year dissertation is also published as an article in this issue].

School of Law and Criminal Justice at Plymouth University in Partnership with Plymouth Central Library

CHALLENGING COMMUNITY PERCEPTIONS OF LAW AND CRIMINAL JUSTICE

An opportunity for the public to learn how academic research can improve community life and contribute to promoting fairness and justice.





In-County Immigration Policing in the UK: Enforcement, Networks and the Practice of 'Crimmigration'

The "New Location" of Community Safety- Policing, Community Planning and Community Safety: a local case study

'Banged Up': Young Offenders' Experiences of Imprisonment

Restorative Youth Justice in Action: Re-discovering its roots in progressive and socially just practice through the lived experiences of key stakeholders

Enforcing the Consumer's Right to be Stupid

Is the Doctor a Lawyer?

Adoption and Justice for Families - finding a balance through research

What will be the Effects of Local Commissioning for Victims' Services in the UK?

ESRC FESTIVAL OF SOCIAL SCIENCE

Miscarriages of Justice

Eviction: Policy, Experience and Change

Problem-solving in Plymouth Community Justice Court

Foreign National Workers in the Night Time Economy: An examination of vulnerability, violence and identity

Women's Experiences of Workplace Violence

Regulating the Marine Environment

Legal Responses to the British Far-Right

Children's Medical Treatment: Who Decides?

Using Digitised Newspapers to Recover Crimes from the Past

South West Employment Rights Centre


The next two posters were created by the event organisers Professor Kim Stevenson and Dr. Patricia Gray, entitled respectively 'Using Digitised Newspapers to Recover Crimes from the Past' and 'Restorative Youth Justice in Action'.

Using Digitised Newspapers to Discover Crimes from the Past

Killing one person to save another - The 'Remarkable and Unique' case of the Mignonette

The Tragedy

19 May 1884: Capt Dudley recruited first mate Stephens, deckhand Brooks, and inexperienced sailor 17 year-old, Richard Parker, to sail *The Mignonette* from Southampton to Australia. 1,500 miles off the east coast of Africa, a huge wave struck. All 4 abandoned ship into a small wooden dinghy with no water and 2 tins of turnips. They caught a small turtle but no fish. After 13 days, Parker, an orphan, became very ill from drinking seawater, apparently near death.




The Mignonette

25 July: Dudley and Stephens agreed they would kill Parker to survive. Brookes disagreed. Dudley prayed, said 'Richard, my boy, your time has come' and cut his throat. The 3 men survived on Parker's blood and flesh for 4 days when they were rescued by the *Montezuma*.

When the *Montezuma* arrived at Falmouth Dudley immediately told the Customs Officer what had happened. All 3 men were arrested.

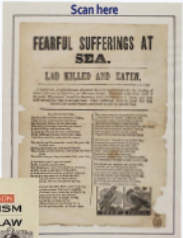
Imagine you were Capt Dudley
What would you have done?

How must Capt Dudley have felt?
Read the letter to his wife



It was a Custom of the Sea, that in perilous conditions all men should have an equal chance of living or dying, chosen by he who draws the shortest straw.

Scan here



Want to read more about local cases and the Hangman's Diaries? Visit the History Room

The Trial

9 September: at Falmouth Magistrates Court, and despite local sympathy, they were committed to Exeter Assizes to be tried on a 'technical charge' of wilful murder.

3 November: at Exeter Dudley and Stephens pleaded not guilty claiming their actions were **necessary to survive and they had no criminal intent to kill Parker**. The Judge decided their defence of necessity did not apply and the jury returned a special verdict: guilty of wilful murder.

Why do you think this *Times*' report notes that 'even ladies were present'?

The Legal Outcome

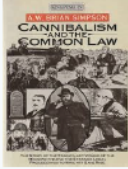
10 December: Queens Bench Court in London declared Dudley and Stephens had committed '**nothing less than murder**' and **sentenced them both to death**. Two important legal principles were established:

- 1 There was no defence in criminal law for the men's conduct
- 2 English courts have no jurisdiction over international waters but can hear cases involving incidents on British registered ships.

Dudley and Stephens were **pardoned by Queen Victoria** and ordered to serve 6 months in prison.

The name Richard Parker was used in which 2012 Oscar winning film? Why?

Why do you think the judge was unwilling to accept the argument?



Kim Stevenson, Professor of Sociological History
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LAW WITH PLYMOUTH UNIVERSITY



Two posters which reflect the work of student volunteer groups and societies within the Law School demonstrate how both law and criminology and criminal justice students engage with the real life problems and experiences of individuals who become subjects within the criminal justice process. One from the Plymouth University Howard League Student Society entitled *“Banged Up”: Young Offenders’ Experiences of Imprisonment*’ and the other by law students from the Innocence Project entitled *‘Miscarriages of Justice’*.

Plymouth University Howard League Student Society

‘Banged Up’: Young offenders’ experiences of imprisonment






Entry to Prison:

- Average population of young offenders (under 18 years) in prison is 2141 (2011/2012);
- Average length of time in custody is 77 days (2011/2012);
- England and Wales has the highest rate of youth custody in Europe;
- Critics argue not justified by the volume or seriousness of youth crime; 45% of children (15-17 years) in prison are there for non-violent crimes (2012).

Life Inside Prison:

- Conditions inside youth custody condemned by the Chief Inspector of Prisons: ‘Young people aged 15-18 years are being held in deteriorating conditions....with fewer feeling safe while they are locked up’;
- Since 1990, 32 children have died in custody, and boys (15-17 years) in custody are 18 times more likely to commit suicide than their counterparts in the community (2013);
- House of Commons Justice Committee (2008) expressed ‘alarm’ and ‘strong concerns’ about the continued use of compliance techniques in youth custody that ‘rely on the use of pain’ and therefore are ‘incompatible with the UNCRC’.



Resettlement on Release from Prison:

- 72% of young people reoffend with one year of release from prison. Critics argue that imprisonment provides them with a university degree in crime;
- Young people in custody have experienced high levels of socio-economic disadvantage: 50% of young people in custody lived in deprived households; nearly 40% had experienced abuse or neglect; 25% had difficulties with literacy and numeracy; nearly 50% had been excluded from school; 17% had an emotional or mental health difficulty; 11% had attempted suicide and 20% had self-harmed (Jacobson et al., 2010);
- Resettlement policies have had only limited success in reducing reoffending or meeting the complex social difficulties of young people leaving custody.

1989 United Nations Convention on the Rights of the Child (UNCRC)

- Imprisonment of young people below 18 years should be a ‘last resort’ and for ‘shortest appropriate period of time’;
- Young people in prison must be safeguarded from ‘abuse’, ‘violence’, ‘inhumane and degrading treatment’ and ‘punishment’;
- Young people leaving custody should receive adequate welfare provision to support their smooth resettlement into mainstream community life.
- We breach the Convention on each of these three counts.

Who will benefit?

Victims and community because this will empower young people to stop offending upon release from custody.

What is to be done?

See **Ur boss** Young People’s Manifesto for Change.

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 Website: <https://www1.plymouth.ac.uk/research/ceic/howardleague/Panes/default.aspx>

LAW CLINIC WITH PLYMOUTH UNIVERSITY

Miscarriages of Justice and Plymouth Law students

Imagine spending 25 years in jail for a crime you didn't commit.....

The story of Paul Blackburn



Paul was jailed for life in 1978 when he was only 15 years old. He was convicted of the attempted murder and sexual assault of a younger boy. He did not match the description of the attacker and there was no forensic evidence to connect him to the crime. Paul served 25 years in prison, 10 years longer than the usual tariff because he maintained his innocence throughout. He endured regular beatings in prison because he declined the protection commonly given to sexual offenders. He left prison on licence in March 2003. He was 39 years old. May 2005, the Court of Criminal Appeal gave judgement that his conviction was unsafe. The Court decided his confession was unreliable (he had no solicitor and the police had been oppressive) and that the police had lied about the circumstances in which it was obtained. After his release he says he was offered very little support on how to re-enter a complex, baffling world he had last experienced as a teenager. [Scan here](#)

[Scan here for video outside the court after appeal](#)

If you are interested in Miscarriages of Justice, listen to Radio 4, "File on 4" when you get home <http://www.bbc.co.uk/programmes/b043x495>

Innocence Plymouth

Innocence Plymouth is based in Plymouth University Law School. We work on cases like Paul Blackburn's case for people who have been convicted of crimes they say they did not commit. Students work in groups of 4 or 5, reviewing the case papers and questioning everything that happened in the hopes of finding grounds for a successful appeal to the Court of Criminal Appeal. We are supported by local solicitors and barristers specialising in criminal litigation. We are currently working on 3 murders and 1 rape. Contact pippa.trimble@plymouth.ac.uk



How do miscarriages of justice happen?

Miscarriages of justice might be a result of any of the following, non-disclosure of evidence by police or prosecution, fabrication of evidence, poor identification, overestimation of the evidential value of expert testimony, unreliable confessions due to police pressure or psychological instability and misdirection by a judge during trial.

Think point: The UK currently uses an adversarial criminal legal system; would an inquisitorial system be less likely to lead to miscarriages of justice?

Criminal Cases Review Commission (CCRC)

Set up in 1997 to review miscarriage of justice cases, the CCRC investigates claims of wrongful conviction and if persuaded, will refer the case to the Court of Appeal. From 1997 to 31 July 2014, they received 18,115 applications, of these 839 were referred to Court of Appeal (370 quashed, 153 upheld). The CCRC is currently investigating 838 cases and Has 709 waiting for investigation

Some academics and miscarriage of justice lawyers criticise the CCRC for not investigating cases enough. Scan here

Think point: do you think the CCRC is 'fit for purpose'?

In addition three mixed-media interactive activities were also programmed during the afternoon to further stimulate interest in the issues raised by the posters and awareness of library resources and facilities. At 2.30 pm the Plymouth University Howard League Student Society showed a film which they had designed and which explored young offenders' experiences in prison via cartoons and video clips and linked to their "Banged Up" poster.



Detective Chief Inspector Brookshaw of Devon and Cornwall Police gave a fascinating presentation at 3pm on the use of forensic evidence entitled 'Every Contact Leaves a Trace', followed at 3.30 pm by a talk about the issue of police corruption with the controversial title 'Bent Cops'. Throughout the afternoon a 'dead body' lay outside the main exhibition room to create a 'murder scene' and provide the start point for a 'Whodunnit' murder mystery game. This game, which was designed by the staff from Plymouth Central Library, involved teams of three following up clues and forensic evidence spread throughout the library on shelves and in books in order to try to discover and identify 'the murderer'.



The event was hailed a great success by all participants and the convivial atmosphere (despite the ‘murder’) was enhanced by laying on refreshments and snacks throughout the afternoon.

Appendix

List of Posters

Gareth Addidle: *The “New Location” of Community Safety- Policing, Community Planning and Community Safety: a local case study*

Jill Annison, Dan Gilling, Giselle Hanley-Santos and Tim Auburn: *Problem-solving in Plymouth Community Justice Court*

Philip Bates: *Children’s Medical Treatment: Who Decides?*

Sharon Beckett: *Women’s Experiences of Workplace Violence*

Iain Channing: *Legal Responses to the British Far-Right’*

Hugo de Rijke: *Bailiff Law*

Lisa Deblasio: *Adoption and Justice for Families – finding a balance through research*

Patricia Gray and Professor Roger Smith: *Restorative Youth Justice in Action: Re-discovering its roots in progressive and socially just practice through the lived experiences of key stakeholders*

Jason Lowther: *Regulating the Marine Environment*

Craig Newbery-Jones: *Is the Doctor a Lawyer?*

Chris Pac-Soo and Oliver Smith: *Foreign National Workers in the Night Time Economy: An examination of vulnerability, violence and identity*

Alex Passman and Law Clinic students: *South West Employment Rights Centre*

Plymouth University Howard League Student Society: *“Banged Up”: Young Offenders’ Experiences of Imprisonment’*

Peter Shears: *Enforcing the consumer’s right to be stupid*

Lesley Simmonds: *What will be the Effects of Local Commissioning for Victims’ Services in the UK?*

Kim Stevenson: *Using digitised newspapers to recover crimes from the past*

Pippa Trimble and Innocence Project students: *Miscarriages of Justice*

Dean Wilson: *In-County Immigration Policing in the UK: Enforcement, Networks and the Practice of “Crimmigration”*

Dean Wilson and Oliver Smith: *Eviction: Policy, Experience and Change*