



MALCOLM DAVIES

DAVIES,
CROALL
& TYRER'S
CRIMINAL
JUSTICE

FIFTH EDITION

DAVIES, CROALL AND TYRER'S CRIMINAL JUSTICE

Criminal Justice

Table of Contents

Cover

Contents

Preface

List of figures

List of tables

Chronology of key dates in the development of criminal
justice in England and Wales

Authors acknowledgement

Publishers acknowledgement

Table of cases

Part A INTRODUCTION TO CRIMINAL JUSTICE

1 What is criminal justice?

Introduction

1.1 Criminal justice in England and Wales

Agencies

Civil society and the private sector

Expansion of the criminal justice system personnel

1.2 Criminal justice defined: functions and form

Content of the criminal law: what is penalised?

Form and process: criminal procedure and criminal justice agencies

Functions and aims of the criminal justice system

Mode and distribution of punishment

Agency-specific functions

1.3 Principles of criminal justice

Adversarial justice

Table of Contents

Rule of law

1.4 Systems approach and criminal justice sub-systems

Flow charts of the criminal justice system

1.5 Paradigms and models of criminal justice

Models of criminal justice

1.6 Recent legislation and policy developments

Criminal Justice Act 1991

Criminal Justice Act 1993

Criminal Justice and Public Order Act 1994

Crime and Disorder Act 1998

Youth Justice and Criminal Evidence Act 1999

Criminal Justice and Courts Services Act 2000

Anti-terrorism, Crime and Security Act 2001

Criminal Justice and Police Act 2001

Police Reform Act 2002

Proceeds of Crime Act 2002

Crime (International Cooperation) Act 2003

Anti-Social Behaviour Act 2003

Criminal Justice Act 2003

Constitutional Reform Act 2005

Prevention of Terrorism Act 2005

Police and Justice Act 2006

Serious Crime Act 2007

Criminal Justice and Immigration Act 2008

Policing and Crime Act 2009

Coroners and Justice Act 2009

Crime and Security Act 2010

Terrorism Prevention and Investigation Measures Act 2011

Police Reform and Social Responsibility Act 2011

Legal Aid, Sentencing and Punishment of Offenders Act 2012

Crime and Courts Act 2013

Justice and Security Act 2013

Offender Rehabilitation Act 2014

Conclusion

Table of Contents

Review question
Discussion questions
Further reading
Weblinks

2 What is crime?

Introduction

2.1 Defining crime

Three aspects of the concept of crime
Legal liability and the elements of a crime
Criminal defences
Sentencing mitigation

2.2 Legal categories of criminal offences

Classification of offences: summary and indictable

2.3 Measuring crime

Government statistics on crime
Crime Survey for England and Wales (previously the British Crime Survey)

2.4 Crime trends

2.5 Types of offence

Violent crime
Sexual offences
Property crime
Organised and white-collar crime
Offenders

Conclusion

Review questions
Discussion questions
Further reading
Weblinks

Table of Contents

3 Victims and the impact of crime

Introduction

3.1 The cost and impact of crime

3.2 Who are the victims of crime?

Geographical area

Lifestyle

Socio-economic status

Gender

Age

Race and ethnicity

3.3 The rediscovery of the victim

Victims needs

3.4 Compensating victims

State compensation

Victim surcharge

Compensation orders

3.5 Victim support

3.6 Victims and criminal justice

Reporting crime and the role of the police

Victims in court

Victims and sentencing

Mediation and restorative justice

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

4 Governmental, political and administrative context of criminal justice in England and Wales

Table of Contents

Introduction

4.1 Law and policy making

Who makes crime policy?

Parliament and the Select Committee on Home Affairs

4.2 Government and administration

Home Office

Home Secretary

Department for Constitutional Affairs (2003-2007)

Ministry of Justice

4.3 Political context

Politics

New Labour and criminal justice reforms a plethora of change

2010 General Election the Coalition Government

The Riots of 2011

Pressure and interest groups

Media

4.4 Globalisation: cross-jurisdictional and international responses to crime

Global terrorism and the dilemma of the Coalition Government

International cooperation

4.5 European influences on criminal justice policy

4.6 Implementing criminal justice policy

Coordinating criminal justice

Lay participation

Under new management: privatisation and agency status

Management and administration of the courts

4.7 Monitoring, accountability and complaints

Key performance indicators: police

Key performance indicators: the criminal courts

Her Majesty's Inspectors

Table of Contents

Complaints: Prisons and Probation Ombudsman
Independent Police Complaints Commission (IPCC)

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

5 Crime prevention and reduction

Introduction

5.1 What is crime prevention?

5.2 The theoretical basis of crime prevention

5.3 The growth of crime prevention

Crime and Disorder Reduction Partnerships/Community Safety
Partnerships

Safer Neighbourhoods

5.4 CCTV

5.5 Situational and social crime prevention

Situational crime prevention

Social crime prevention

5.6 Broken windows, zero tolerance policing and anti-social behaviour

5.7 Issues in crime prevention

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

Part B CRIMINAL JUSTICE PROCESS: LAW ENFORCEMENT

6 The police

Table of Contents

Introduction

6.1 The role and development of policing

Development of policing

6.2 Organisation and accountability

To whom are the police accountable?

Legal accountability

6.3 Police powers and the Police and Criminal Evidence Act 1984

PACE Code A: Powers to stop and search

PACE Code B Powers to search property

PACE Code C: Detention and interview

PACE Code D: Identification

PACE Codes E and F: Recording of interviews with suspects

PACE Code G: Arrest

PACE Code H: Matters relating to terrorism suspects

6.4 Police work

Investigating crime and new technologies

Community policing

6.5 Front-line definers of crime: police discretion

The decision to stop and search

Discretion in the police station

Police culture

Police and ethnic minority communities

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

7 Prosecution, caution and diversion

Introduction

7.1 Fixed penalties (FPN and PND)

7.2 Cautioning

Cautioning and young offenders

Table of Contents

7.3 Prosecution

The Crown Prosecution Service

The organisation and functions of the Crown Prosecution Service

7.4 The Code for Crown Prosecutors

Evidential test

Public interest test

The work of the Crown Prosecution Service

7.5 Private prosecutions and other prosecuting agencies

Prosecution by regulatory agencies

7.6 Mentally disordered offenders

Responsibility for the offence

Police and the mentally disordered

Orders available to the courts for mentally disordered offenders

De-institutionalisation and care in the community

Community care and public safety

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

8 Youth justice

Introduction

8.1 Youth and crime

Young peoples involvement in crime

8.2 Youth justice system

Special provision for youths

Diversion

The Crime and Disorder Act 1998

Youth Courts

Table of Contents

Sentencing young offenders

Conclusion

Review questions

Discussion questions

Further reading

Part C CRIMINAL JUSTICE PROCESS: CRIMINAL COURTS

9 Criminal courts, judiciary and pre-trial procedure

Introduction

9.1 Magistrates courts

9.2 Crown Court

The jurisdiction of magistrates courts and the Crown Court

Classification of offences: summary and indictable

The Coroners Court

9.3 Judiciary

9.4 Summons, bail and remands in custody

Bail

Remands in custody

9.5 Indications of plea and allocation decisions

9.6 Plea and case management hearings

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

10 The trial and establishing guilt

Introduction

10.1 Adversarial justice: the burden and standard of proof

10.2 Role of the trial

10.3 Juries

10.4 Rights of the defendant in court

Table of Contents

10.5 Protecting witness identity

10.6 Evidence

Presentation of evidence

10.7 Appeals system

10.8 Criminal Cases Review Commission (CCRC)

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

Part D CRIMINAL JUSTICE PROCESS: PENAL SYSTEM

11 Sentencing aims and process

Introduction

11.1 Aims of sentencing

Retribution

Incapacitation and public protection

Rehabilitation

Deterrence

Denunciation

Restitution or reparation

11.2 Types of sentence

Distribution of sentences

Discharges

Financial penalties

Community sentences

Custodial sentences

Enforcement of sentences

11.3 Sentencing procedure

11.4 Factors influencing sentencing decisions

Race and sentencing

Sentencing women

Table of Contents

Socio-economic status

11.5 Structuring sentencing decisions

Sentencing Council

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

12 Punishment philosophies and penal paradigms

Introduction

12.1 Sentencing trends and reforms in the twentieth and twenty-first century

12.2 The era of rehabilitation

Rehabilitation reassessed

12.3 Just deserts and the justice model

Assumptions about human behaviour

The objective of punishment

The distribution of punishment

Legalism: the extension of due process

12.4 Prison reductionists: limiting the use of imprisonment

12.5 Shifting penal paradigms

12.6 Does prison work?

12.7 Sentencing for whom?

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

13 Prisons

Table of Contents

Introduction

13.1 Origins of the penitentiary

13.2 Prisons in England and Wales

13.3 Prison population

- International comparisons

- Categories of prisoner

- Fine defaulters in prison

- Life sentence inmates

- Female prisoners

- Minority ethnic prison population

- Time served

- Home detention curfew

- Release on temporary licence (ROTL)

- Parole

13.4 Impact of imprisonment on inmates

- Regimes, sentence planning and privileges

- Inmate adaptation to prison life

13.5 Aims and performance of the Prison Service

- Rehabilitation and offender management

Conclusion

Review questions

Discussion questions

Further reading

Weblinks

14 Probation Service and community penalties

Introduction

14.1 The development of community sentences

14.2 The Probation Service

14.3 What Works and why, and recent initiatives in community

Table of Contents

sentences

14.4 The effectiveness of community sentences

Conclusion

Review questions

Discussion question

Further reading

Weblinks

15 Conclusion

Glossary of criminal justice terms

Appendix Practical Exercises

Bibliography

Index