



# JUST DESERTS

## JUST DESERTS

Edexcel is proud to be a sponsor of the Crown Prosecution Service programme, Just Deserts - winner of the IVCA Gold Award for Education and the IVCA Silver Award for Direction.

The Just Deserts programme is distributed with the intention of developing closer ties between the Crown Prosecution Service and the community and contributing to a better understanding of the Criminal Justice system. It is a useful value-added resource for GCSE Citizenship lessons.

This e-booklet contains:

- The Just Deserts lesson plan guide
- Related photocopy resources
- Important contact information

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## PREFACE

The programme is separated into three modules to allow the development of class discussion.

**Module 1:** [5 minutes]

Class discussion around the subject of evidence, charging and being a witness

**Module 2:** [6 minutes]

Class discussion on social responsibility, intimidation and hate crime

**Module 3:** [7 minutes]

Class discussion around giving evidence, sentencing and the fear of crime

There are additional exercises described in the notes that ask the class to vote on the issue of giving evidence, or create a strap line for the service.

Important links to the Crown Prosecution Service (CPS) services are also featured for those who would like further information, or are interested in a career with the Crown Prosecution Service.

For further information please contact the Publicity Branch via email at:

[publicitybranch@cps.gsi.gov.uk](mailto:publicitybranch@cps.gsi.gov.uk).

## CONTENTS

<b>BACKGROUND INFORMATION</b> .....	<b>4</b>
How to use this resource .....	4
<b>LESSON PLAN</b> .....	<b>5</b>
Lesson start .....	5
<b>MODULE 1</b> .....	<b>6</b>
Class vote .....	6
Discussion .....	6
<b>MODULE 2</b> .....	<b>10</b>
Class vote .....	10
Discussion .....	10
<b>MODULE 3</b> .....	<b>13</b>
Discussion .....	13
Vote results .....	14
<b>ADDITIONAL EXERCISE</b> .....	<b>15</b>
Methodology .....	15
<b>PHOTOCOPY RESOURCES</b> .....	<b>16</b>
Voting slips .....	16
Role .....	17
Just Deserts Character Map .....	18
Thanks .....	19
Acronyms .....	19
Important Links .....	20

## BACKGROUND INFORMATION

The Just Deserts programme is distributed with the intention of developing closer ties between the CPS and the community and contributing to a better understanding of the Criminal Justice system. It is a useful value-added resource for GCSE Citizenship lessons. This resource comprises a booklet and DVD program.

The e-booklet will provide the teacher with notes on how to run the lesson, provide topics of discussion and handouts for duplication and distribution to students. It also provides information on links to the Service where more in-depth information relevant to the topic can be found.

## HOW TO USE THIS RESOURCE

Most secondary pupils will not know what the Crown Prosecution Service is or what it does. Those who have heard of it will probably think it is synonymous with the courts. This resource is intended to correct such a knowledge gap through stimulating interest in the prosecution process. The video concentrates on showing scenarios that will relate to many 14-16 year olds. The gaps between modules then allow the CPS representative to widen the concepts, and stimulate discussion in the classroom. The format of presentation has been based on a 50 minute lesson of 15-30 pupils, but is adaptable to other lengths and class sizes.

The discussion questions and exercises listed in this pack are neither mandatory, nor exhaustive. The teacher must select the discussion prompts according to:

- The level of understanding and response of class
- The length of time allotted and class size

Introduction	2 min
DVD Module 1	5 min
Class Discussion - Module 1	10 min
DVD Module 2	6 min
Class Discussion - Module 2	10 min
DVD Module 3	6 min
Class Discussion - Module 3	10 min

### Class level of understanding

The teacher is best placed to understand the make-up of the class and should tailor the presentation accordingly. The following is suggested:

- For younger and less aware pupils, concentrate more on single, simpler discussion topics
- For more advanced classes, allow more free ranging debate

Be flexible according to class reaction – an enthusiastic 10-minute debate will be more satisfying than several shorter ones.

## Class duration and size

This pack will expand to fit longer sessions – but cannot be used well in a modular form if the slot allowed is below 40 minutes. If your timeslot is below 40 minutes consider playing the DVD as a single linear programme. If the class size is over 30 (combined lessons) it may be impractical to undertake some of the interactive suggestions (e.g. voting). It is important to make sure that each discussion point reaches a natural conclusion. These notes are intended to provide enough information to help draw each point to a close.

## LESSON PLAN

### LESSON START

The Crown Prosecution Service is the Government Department responsible for prosecuting people in England and Wales who have been charged with a criminal offence. As the principal prosecuting authority in England and Wales, they are responsible for:

- Advising the police on cases for possible prosecution
- Reviewing cases submitted by the police
- Preparing cases for court
- Presenting cases at court

Ask how many people have heard of CPS before this lesson.

Explain that everyone knows what the police do, but few realise what happens afterwards.

Explain that you are going to use video sequences and class discussion to explore issues to do with the system.

**[Start DVD]**

#### Note:

- You can select subtitles in English or Welsh.
- You can opt to watch the entire programme or view by module (suggested).

## MODULE 1



[Pause the DVD]

It is possible that the class will start discussion spontaneously. If so go with the flow. If not, select from the prompts below:

### CLASS VOTE

**ASK:** In Jerome's situation, would you come forward?

*We suggest undertaking the class vote as the first activity. This will provide time while other issues are discussed for distributing and collecting papers.*

*The vote is intended to be anonymous to avoid the inevitable peer pressure associated with identifiable votes.*

**INTRODUCE:** the vote as follows -

**You have witnessed the robbery in the newsagents. You are aware that the newsagent has been hurt. You recognized one of the assailants. Would you come forward or not?**

*To run the vote, do the following:*

- *Ask an assistant to help distribute the voting slips*
- *Ask the class to mark the paper according to how they feel, and fold it*
- *Ask the assistant to take the ballot box around while you discuss other issues*
- *Add the totals up during the screening of Module 2*

### DISCUSSION ON EVIDENCE, CHARGING, ROLES & WITNESSES

**ASK:** Why will the attackers not be charged?

The Police think they have the right people – why not charge them and find the evidence later? If you do not have the evidence, why not charge them to teach them a lesson?

- If tried and found not guilty, they cannot be retried without taking the case to the Director of Public Prosecutions, the DPP (explain role as head of the CPS)

*Ken Macdonald QC took up his post as Head of the CPS and Director of Public Prosecutions (DPP) in November 2003. The DPP is responsible for ensuring the independent review and prosecution of criminal proceedings started by the police in England and Wales. He makes decisions about the most complex and sensitive cases and advises the police on criminal matters. He reports to the Attorney General, the Government Minister who answers for The CPS in Parliament.*

- Double jeopardy law (may need explaining) in the past meant that there could be no retrial – even if the guilty person admitted to the crime!
- Now the guilty party can be retried if new evidence comes to light – e.g. DNA evidence – but approval is needed from the DPP
- Cost of pursuing every case – both in financial and emotional terms

**ASK: What do the police decide and what does the CPS decide?**

- Police arrest and question; they gather the evidence and witnesses’ statements
- CPS charge and prosecute; they decide if the evidence is good enough to progress

**ASK: What are the two tests for prosecuting someone?**

There are two stages in the decision to prosecute. The first stage is the evidential test. If the case does not pass the evidential test, it must not go ahead, no matter how important or serious it may be. If the case does meet the evidential test, Crown Prosecutors must decide if a prosecution is needed in the interests of the public.

This second stage is the public interest test. The Crown Prosecution Service will only start or continue with a prosecution when the case has passed both tests pursuant CPS Code for Crown Prosecutors booklet.

Use these examples of the public interest test with the class, or see if they can think of their own.

**ASK: Do you think either of these examples is in the public interest to prosecute?**

*Some real examples:*

*Reginald Crew, 74, of Hunts Cross, Liverpool, killed himself on Monday after suffering from a debilitating motor-neurone disease for more than four years. Merseyside Police said on Tuesday it was ‘obliged’ to investigate his wife, Win, under British law.*

*“The completed files will then be sent to the Crown Prosecution Service who will decide if charges should be brought.”*

*BBC News Tuesday, 21 January, 2003, 17:05 GMT*

*CANNABIS crusader Lezley Gibson will not be prosecuted for possessing the drug despite being caught red-handed in an illegal Dutch-style cafe.*

*Multiple sclerosis sufferer Ms Gibson was locked up for four hours after being caught in a raid at the Dutch Experience in Stockport last January. She has waited 14 weeks to hear if she would be hauled before the courts. The Crown Prosecution Service (CPS) has decided not to press ahead with charges, the News & Star can reveal.*

*Source: News & Star, Carlisle, UK*

**ASK: Why not take former convictions into account when charging?**

‘The re-offending rate of those who have been through Young Offenders Institutions is roughly 75%. This means that, within two years of emerging from such an institution, 75% of the leavers will have been reconvicted of a crime.’

Logic therefore suggests that previous convictions are a good guide to current behaviour – why not take this into account?

**ASK: How would you feel as a juror if you found someone not guilty, and then found they had a previous record for the same offence?**

BACKGROUND – the case for and against...

*Lord Brian Mackenzie*

*The law at present allows evidence of 'similar facts' to be adduced where the modus operandi is so similar that it shows a systematic course of conduct.*

*In my experience of 35 years as a police officer, judges are very reluctant to allow such evidence because its prejudicial effect outweighs its probative value.*

*Similarly, if the defence attack the character of prosecution witnesses, evidence can be led of the accused's character, to show his dishonesty. Again it is a rare occurrence.*

*I know of a car thief whose fingerprints were found on the inside mirror in each of three cars he was alleged to have stolen. He demanded separate trials and in each case he ran the defence that he had been picked up as a hitch-hiker and therefore had lawful access to the car. He was acquitted on each occasion.*

*The law must safeguard the innocent but it also has a duty to convict the guilty – miscarriages work both ways and in my view, there is room for improvement.*



**Bruce Holder QC**

*When the circumstances of previous offending are so similar as make them relevant, then the law and judges do permit the evidence to be admitted.*

*For example, a rapist who always wears a particular unusual item of clothing, or uses an unusual method to subdue his victim may find his past crimes provided in proof of a crime where the same methods were employed. The test is not whether a person has a propensity to rape, burgle, or stalk, but whether he can be shown to follow an unusual and personal pattern in his offending. In short, people should be brought to trial on real evidence, and proof should not be substituted by prejudice.*

**[Start Module 2]**

*Use the time during the playing of the module to count the class votes and note the score on the accompanying sheet.*

## MODULE 2



[Pause the DVD]

### CLASS VOTE

**ASK:** If you were Jerome would you now give evidence?

*We suggest undertaking the class vote as the first activity. This will provide time while other issues are discussed for distributing and collecting papers.*

**SUMMARISE:** how the story has developed -

You have witnessed the robbery in the newsagents. You are aware that the newsagent has been badly hurt. You recognized one of the assailants. Your girlfriend asks you to keep quiet for the sake of her brother. They beat you up to keep you quiet, but the police have identified you as the witness in the newsagent that evening.

*To run the vote, do the following:*

- Ask an assistant to distribute the voting slips
- Ask the class to mark the paper according to how they feel, and fold it
- Ask the assistant to take the ballot box around while you discuss other issues
- Add the totals up during the screening of Module 3
- Discussion on social responsibility, intimidation and hate crimes

### DISCUSSION ON SOCIAL RESPONSIBILITY, INTIMIDATION AND HATE CRIMES

**ASK:** Can a witness be compelled to give evidence?

If someone is summoned to be a witness, they are required to give evidence. If they do not, the judge could jail them for contempt. However, this is not always the best way to ensure good evidence!

**ASK:** What prevents witnesses from coming forward?

Ask the class for reasons why a witness may not come forward, which may include:

- Not wanting to get involved
- Lack of confidence/trust in the criminal justice system
- Scared of the trial process and of cross-examination in court
- Worried about the lack of support
- Intimidation by defendant and/or his/her family and friends

- Fear of intimidation
- Awkward court dates
- The witness has Special Needs

BACKGROUND – support for witnesses...

*The Witness Service, run by the charity Victim Support, offers support to witnesses attending court, whether for the prosecution or the defence; to victims attending court (whether or not called as witnesses); and to families and friends of victims and witnesses attending court. A pre-trial familiarisation visit is also offered to help prepare the witness for the experience of giving evidence. The NSPCC and other organisations also provide support and preparation services for young witnesses in some areas.*

*The CPS, other Government Departments and charities have also produced a guide called The Young Witness Pack (obtainable from the NSPCC).*

**ASK: Could the CPS progress the prosecution even if the witness does not come forward?**

**ASK: Can you be protected from intimidation?**

Reassure the class that intimidation is rare. In 1998 the British Crime Survey found that only 8% of all incidents led to the intimidation of victims or witnesses (see background information below).

There are ways to protect witnesses:

- Criminal and civil proceedings can be taken against the intimidators who could then face jail
- Specialist hand and security alarms can provide additional security
- In extreme circumstances witnesses can be relocated

BACKGROUND – victim intimidation...

*In the 1998 British Crown Survey (BCS, 8% of all incidents led to victim intimidation. This rose to 15% for incidents where there was potential for intimidation (i.e., where the victim had some knowledge of the offender).*

*Intimidation was more likely to follow offences of violence and vandalism. Women were particularly likely to experience intimidation following a violent offence (26%). Many of these incidents involved domestic violence.*

*The harasser was the original offender in most cases (85%). In others it was the offender's family or friends. Where the harasser was the original offender, 41% of women who experienced intimidation did so from a partner or ex-partner.*

*Nearly three-quarters of intimidatory incidents involved verbal abuse, 16% physical assaults and 9% damage to property.*

*Victim intimidation occurs for many reasons. Only a minority (8%) of those intimidated said it was to deter them from giving evidence to the police or in court.*

BACKGROUND – witness intimidation...

*About one-third of respondents said that they had witnessed either an act of vandalism, car crime or a serious fight or assault in the last five years. Of those who witnessed any of these crimes, only 8% experienced some form of intimidation. Witnesses were most likely to have been intimidated by the original offender – about three-quarters. One-fifth were intimidated by the offender’s family or friends.*

*As with victims, the majority of incidents (69%) involved verbal abuse. Physical assaults and damage to property were relatively unusual (16% and 13% respectively).*

*It is often thought that intimidation occurs because offenders want to deter victims or witnesses from giving evidence to the police or courts. However, the findings from the BCS suggest that intimidation is far more complex than this. In only 8% of incidents of victim intimidation did the victim feel the offender was seeking to prevent them giving evidence. Furthermore, intimidation is particularly likely following an incident of domestic violence. This suggests that further consideration should be given to different forms of intimidation and how they can be best tackled.*

*Source: Victim & Witness Intimidation: Key Findings from the British Crime Survey.*

**ASK: Why does the law make a separate distinction for hate crimes?**

Open discussion with the class. What are hate crimes? Are they already covered under existing law? Do we need them?

**ASK: What part did Jerome's girlfriend play in his decision? What were her motives?**

Ask the class to discuss how much their decision would be affected if they were related to the defendant. How bad would the crime have to be for them to change their mind? How does the decision change if they are a more distant relative?

*Draw the chart illustrated below and see if the class can mark who they would be a witness against, and for which crime.*

Mother or father					X	X
Brother						X
Best friend						
Aunt or Uncle				X	X	X
1st Cousin		X	X	X	X	X
2nd Cousin	X	X	X	X	X	X
	Shop lifting	Drink driving	ABH	GBH	Attempted murder	Paedophilia

Example Graph

[Start Module 3]

MODULE 3



[Pause the DVD]

**DISCUSSION ON SENTENCING AND FEAR OF CRIME**

**ASK: What would you do if you were the attackers – plead guilty or innocent?**

*Open discussion for the class.*

**ASK: Do you think the sentence was appropriate?**

Sentencing issues to discuss:

What is taken into account? Sentencing is a very complex subject which has to balance the competing elements of punishment, deterrence and rehabilitation.

- Charge
- Previous history
- Personal circumstances
- Age
- Welfare if a minor
- What they plead (and when)
- Whether racially motivated
- What difference would pleading guilty make?
- if they plead guilty then they are entitled to a "discount" which will vary according to the timing - the later the plea the lower the "discount"

Racial element:

The way the court would approach the case would be to decide what the penalty would be absent the racial element and then add on up to two years to reflect that part of the case.

**ASK: What is an ISSP (Intensive Supervision and Surveillance Programme) - is it a soft option?**

**ASK: Have Jerome's actions increased or decreased fear of crime?**

Ask the class if they think the fear of crime getting worse?

BACKGROUND – Fears for Personal Safety after Dark and Risks of Street Crime...

Sex	Age Group	% Feeling 'Very Unsafe'	% Victims of Street Crime
Men	16-30	1	7.7
	31-60	4	1.6
	61+	7	0.6
Women	16-30	16	2.8
	31-60	35	1.4
	61+	37	1.2

**ASK:** How safe do you feel walking alone in this area after dark?

Significant factor for class discussion:

Older women feel the least safe, but are statistically the second safest group – why?

**VOTE RESULTS**

End the last session by asking for a quick show of hands for who would come forward as a witness, and who would not.

Write the result up on a white board. Then step backwards through the previous votes and compare the results with the class.

Question	YES	NO	UNSURE
Show of hands			
Second Vote			
First Vote			

## ADDITIONAL EXERCISE

This exercise can be added into a longer lesson, or left as a handout for the teacher to use in the following week.

**TASK: Come up with an advertising slogan for the CPS that explains its role.**

Ask the class to consider the main role of the CPS in our society, and to come up with a strap line for the service.

It will be more effective to split the class into smaller groups of five or six to run this exercise.

### Methodology

A strap line should act as a shorthand descriptor for an organisation. First help the class to identify the main attributes or benefits of the Crown Prosecution Service:

- “Bringing criminals to justice”
- “Ensuring a fair prosecution process”
- “An independent body”

From these, ask the class to think of a single sentence that sums up the service. For example:

- “The CPS makes sure justice is done on the population’s behalf”

Now ask them to reduce the thought in this to a snappy one liner. For example:

- “Delivering Just Deserts”
- “Prosecuting for the people”
- “Just prosecution”

If you have any comments or feedback on the video please contact [publicitybranch@cps.gsi.gov.uk](mailto:publicitybranch@cps.gsi.gov.uk).

**PHOTOCOPY RESOURCES - VOTING SLIP**

**MODULE 1**

QUESTION	YES	NO	UNSURE
Would you come forward as a witness?			

**MODULE 2**

QUESTION	YES	NO	UNSURE
Would you come forward as a witness?			

**MODULE 1**

QUESTION	YES	NO	UNSURE
Would you come forward as a witness?			

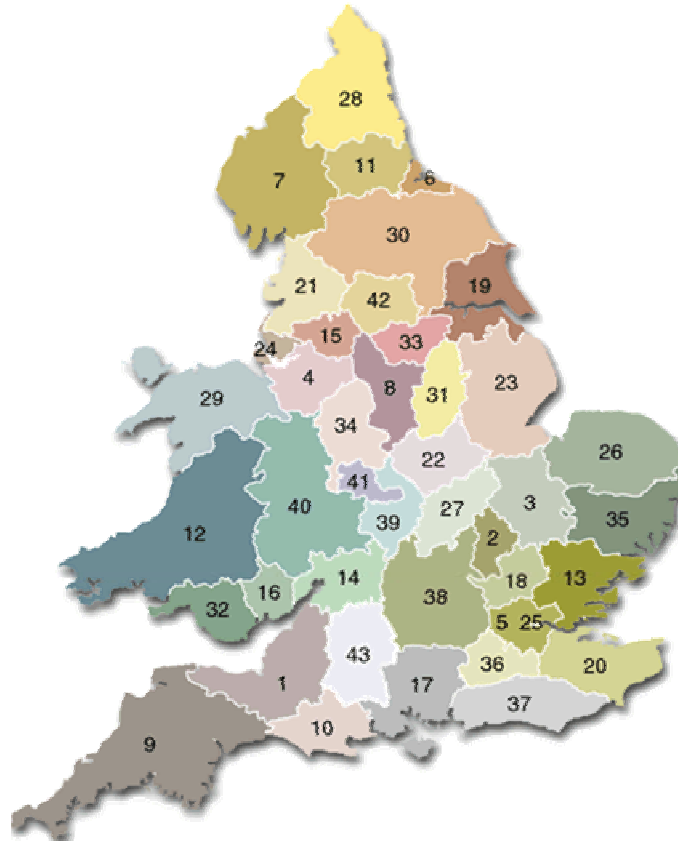
**MODULE 2**

QUESTION	YES	NO	UNSURE
Would you come forward as a witness?			



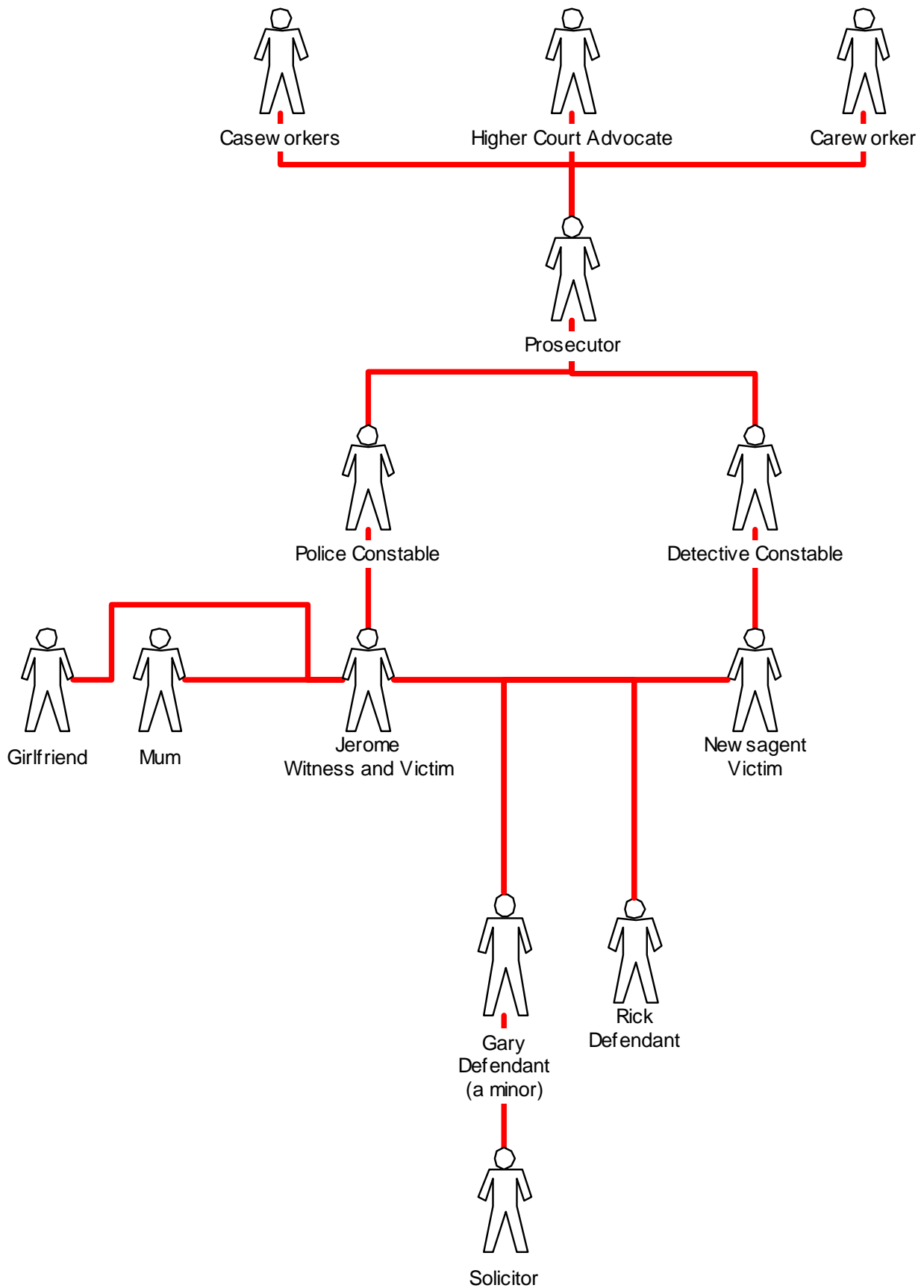
## PHOTOCOPY RESOURCES - ROLE

With headquarters based in London, York and Birmingham, the CPS operates across 42 geographical areas in England and Wales. These areas correspond with the boundaries of 43 police forces in England and Wales with the CPS London area covering the operational boundaries of both City of London and Metropolitan Police Forces.



1 Avon & Somerset	23 Lincolnshire
2 Bedfordshire	24 Merseyside
3 Cambridgeshire	25 Metropolitan
4 Cheshire	26 Norfolk
5 City of London	27 Northamptonshire
6 Cleveland	28 Northumbria
7 Cumbria	29 North Wales
8 Derbyshire	30 North Yorkshire
9 Devon & Cornwall	31 Nottinghamshire
10 Dorset	32 South Wales
11 Durham	33 South Yorkshire
12 Dyfed Powys	34 Staffordshire
13 Essex	35 Suffolk
14 Gloucestershire	36 Surrey
15 Greater Manchester	37 Sussex
16 Gwent	38 Thames Valley
17 Hampshire	39 Warwickshire
18 Hertfordshire	40 West Mercia
19 Humberside	41 West Midlands
20 Kent	42 West Yorkshire
21 Lancashire	43 Wiltshire
22 Leicestershire	

PHOTOCOPY RESOURCES - CHARACTER MAP



## THANKS

The Crown Prosecution Service would like to thank:

Surrey Police  
 Woking Police Station  
 Guildford Police Station  
 Metropolitan Police (Brentford)  
 Guildford Crown Court  
 CPS Surrey  
 Liz Crossley, CPS Lancashire  
 Duncan Birrell, CPS Lancashire  
 Julie Donnellan, CPS Cheshire  
 Mike Kennedy, CPS Procurement & Commercial Services

## ACRONYMS

**CPS** Crown Prosecution Service

**DCA** Department for Constitutional Affairs (formerly the Lord Chancellor's Department)

**DPP** Director of Public Prosecutions

**HCA** Higher Court Advocate [a CPS staff member who has trained to present cases in the Crown Court]

**ISSP** Intensive Supervision and Surveillance Programme

**EAH** Early Administrative Hearing

**AHB** Actual Bodily Harm

**GHB** Grievous Bodily Harm

**DVD** Digital Versatile Disc

## IMPORTANT LINKS

Related enclosures or instructions to view: via

<http://www.cps.gov.uk/index.html>

No Witness, No Justice project -

[http://www.cps.gov.uk/publications/communications/fs\\_nwnj.html](http://www.cps.gov.uk/publications/communications/fs_nwnj.html)

CPS Witness Walkthrough -

<http://www.cjsonline.gov.uk/witness/walkthrough/index.html>

CPS Legal Guidance on Witnesses -

<http://www.cps.gov.uk/legal/section16/index.html>

About the CPS -

<http://www.cps.gov.uk/about/index.html>

Local CPS Office maps and links -

<http://www.cps.gov.uk/local/index.html>

Working for the CPS -

<http://www.cps.gov.uk/working/index.html>

Crown prosecutors' booklet -

<http://www.cps.gov.uk/publications/docs/code2004english.pdf>

NOTES