

UK Criminal Courts Charge: A brutal assault on the poor

By Gregory McAvoy
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The imposition of the Conservative government's new system of fines, Criminal Courts Charge, has led to tragic scenes being played out across England.

The crimes for which the fines are levied are usually petty—minor theft of food and Anti-Social Behaviour Order (ASBO) violations, for example—and the offenders usually impoverished, out of a job and on benefits.

The Criminal Courts Charge system is class ridden: you pay the same if you are destitute or a property tycoon. The compensation to the victim is non-negotiable, but, historically, the severity of the “detering” punitive fine has been left to a judge's discretion: the desire to “reform” the offender must be balanced with the offender's capabilities to recompense.

However, with new secondary legislation enacted in April by the government, the flexibility afforded to judges in adjusting the total fine amount according to the defendant's financial means has been drastically curtailed. The Criminal Courts Charge is a mandatory “user-fee” that applies to all criminal offences, and its introduction has caused uproar among magistrates and defendants alike.

In many cases, this charge can dwarf the typical fine given to those in dire financial circumstances. The *Independent* has reported extensively on the subject, providing heart-wrenching stories about people who have absolutely no chance of being able to pay their charges or will suffer greatly for doing so.

A woman from Kidderminster had the following charge breakdown after stealing a 75p pack of Mars bars: £73 fine, 75p in compensation, £20 victim surcharge, £85 prosecution costs (to the Crown Prosecution Service), and a £150 Criminal Courts Charge. A staggering total of £328.75 is 438 times the

value of the goods stolen. This number is all the more horrifying as the woman only resorted to stealing after having not eaten in two days because her benefits were cut.

In another case, one judge explained to a woman, who had violated her ASBO by entering a restricted area a week before it expired, that she could set up a payment plan of £5 to be deducted from her weekly benefits. The woman responded in dejection with her head down, “£5 is a whole lot to some people, you know.”

Swathes of people from deprived backgrounds—homeless, on benefits, struggling with drug addiction, etc.—are punished with proportionally immense fines that will plunge them deeper into despair. That crimes such as these are even being brought into the courts emphasizes the brutality of contemporary society in the UK and a return to conditions and legal conceptions that is truly Dickensian.

Over 50 magistrates have resigned in direct protest at the fees and a huge majority of magistrates believe the charge to be set at an unreasonable level, according to a recent poll by the Magistrates' Association. They believe the Criminal Courts Charge encourages innocent defendants to plead guilty in order to avoid higher fee bands, and will cause more crime by forcing numerous offenders to steal in order to pay the fee.

A man from Portsmouth was fined £250 for stealing a £1 bag of chocolate buttons from retailer WH Smith. After pleading guilty and receiving the obligatory £150 Criminal Courts Charge, along with a £25 victim surcharge, this man now faces a total fine of £425, just one month after his application for bankruptcy was accepted. Harsh sentences like this are now the norm for petty theft: A man who stole three bottles of baby

milk, a woman a £2.39 bottle of shampoo, a homeless man a 99 pence can of Red Bull, and the list goes on. Thanks to the Criminal Courts Charge, they can all expect a minimum of £150 in fines.

The instigator of this legislation is the previous Conservative Justice Secretary Chris Grayling, who stated that the charge is meant to ease the tax burden on hard-working, law-abiding citizens who “just want to get on.”

It is this mind set that led to the establishment of the charge, and makes the people brought before the court pay for its upkeep.

All criminal offences are subject to the charge, and there are no exceptions, unless the case is immediately dismissed. The charge is tiered according to how a particular case progresses. A guilty plea receives the lowest charge of £150 and from there can increase to over £1,000.

Criticisms of the charge abound. Those in the legal profession reiterate three main points. First, there is absolutely no evidence that the charge is connected in any way to the operating costs of the court, which indicates that the charge is punitive rather than economic in nature.

Second, it is clear from numerous cases that the charge disproportionately affects those with the least means to pay. This flies directly in the face of the long-standing judicial tradition of adjusting fines according to the financial capabilities of the offender. Moreover, this will have knock-on effects of either fines going unpaid or offenders committing more crimes in order to fulfil the charges.

Third, the fact that guilty pleas offer a lower payment bracket provides an incentive for defendants to admit guilt even when they might be innocent.

Aside from its obvious flaws within the context of a bourgeois legal system, the Criminal Courts Charge needs to be placed in its broader social and political context.

The charge is only the most recent in a long line of assaults upon the poorest in British society, culminating in the Welfare Reform Act of 2012. The Act is directed toward the complete dismantling of the welfare state and a return to the unbridled exploitation of the working class by the ruling elite.

In *The Condition of the Working Class in England*, written in 1844, Friedrich Engels aptly summed up the

class role of the courts. After describing the kid-gloves treatment afforded to the rich when they appear before the courts, he observed the treatment of the poor who are “regarded from the beginning as guilty; his defence is set aside with a contemptuous ‘Oh! We know the excuse’, and a fine imposed which he cannot pay ... his poverty both casts the suspicion of every sort of crime upon him...”

Not a word would need to be changed when describing the legal regime now being imposed, of which the Criminal Courts Charge is part.

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