

REFLECTIONS

CJM
CRIMINAL JUSTICE MATTERS

THE FIRST AFRO-CARIBBEAN WOMAN

Before becoming a magistrate, I had had contact only once with the criminal justice system. My interpretation of guilt was as confused then as it is now to many citizens whose only brush with the law is a minor parking offence. I understand why many black people like myself were reluctant initially to become involved with the criminal justice system.

As the first Afro-Caribbean woman to join the bench in a small East Midlands city, I met the kind of reactions that accompany unwelcome changes. I was not the first black person to become a magistrate; the appointment of black people as magistrates began in the early '60s, but then they were all men. RACISM! How could I mention that word in relation to the bench where members are carefully selected and are above all forms of bias – racial or otherwise! The magistracy is said to be a fair representation of our society and we are told that great effort goes into ensuring this. If this were the case, then those attitudes and beliefs that are prevalent in society must be

evident among JPs. This is not to say that those attitudes are consciously brought into play when decisions are being made, but that they play a significant role in the way we perceive situations and, consequently, they influence our decisions.

Were there any drawbacks? As the first Afro-Caribbean woman, I was confronted with attitudes that my newer colleagues, would probably not meet because the breakthrough has been made now. It may be that one's very presence is a challenge. It is saying, 'We in this country, this city and on this bench have arrived at a new era. We must accept that our country is multiracial and that black people are now an important part of our society who can play (and want to play) an active role in maintaining a stable society.'

There were reactions from the black community with whom I had worked for a long time. Congratulations came from the women who looked at the long term benefits of the black community's involvement with public life. The young men, generally, felt that I had 'crossed over to the other side'. The older men just watched.

Working at a grass roots level means that occasionally someone with whom I am acquainted appears as a defendant or witness. My young

adult clients, all black, could not understand the reasons for my withdrawing on such occasions. To them this was a clear sign that I had cut my links with them.

Tried and Acquitted

Some time after being appointed to the bench and after the trickle of hostile letters had stopped, my family and I contemplated a change of residence. My daughter and I visited a house. The owner, an affable man outwardly, was keen to sell his house to us. He told us how he had come from the slums of the city to be a person of substantial property. The point of his story became clear when he broke off and said, 'You're one of them magistrates ain't you? I've been up before you.' I was relieved when he continued that my very short comment to him on that occasion had had a profound effect. 'I'll always remember what you said to me and I've changed my ways,' he claimed, 'I know it was you because of your voice: it never changes. You spoke to me the same as you are now and what's more you called me "Mister".' As I left his home he said, 'They should have more like you on the bench.' I felt that I had been tried and acquitted.

Dorrette McAuslan JP

COUNCIL'S COUNSEL

My Hopes for the Future

Dr. Douglas Acres, a lay magistrate of 30 years standing, was asked to set out a brief manifesto for the future of the magistracy. Readers comments are welcomed.

A Wider Cross Section of Society Represented on the Bench.

There is a need for more magistrates from minority ethnic groups and for magistrates to receive training in different cultures. The demands of being a magistrate make recruitment difficult. This could be remedied by addressing the problems of lost pension rights and legislation

to ensure that employers make no deduction for time spent in court duties, but are remunerated via the magistrates' court committee.

The Oath in Magistrates' Courts.

The present oath taken in magistrates' courts should be replaced by a simple affirmation that still has the sanction of perjury. In the current situation the oath becomes highly divisive, as it identifies the witness with a particular ethnic or religious group. This must detract from the administration of justice.

Family Courts.

The establishment of a family court is long overdue. There should be a place for the magistracy in this structure and care cases, at present

dealt with in the juvenile court, should come under jurisdiction of the family court. Lay justices could provide the essential number of women that could not in the foreseeable future be recruited from the legal professions.

Delays in the System.

Legislation could be passed to reduce delays. A greater number of cases should be tried in the summary only sector; it seems to me to be inappropriate that minor thefts have the right of jury trial.

Dr. Douglas Acres JP is immediate past Chairman of the Magistrates' Association and Vice-Chair of ISTD