

Component 1: Section B - Juries

These questions involve an assessment of your knowledge and understanding (Question 1 - AO1, this means to describe) and your ability to analyse and evaluate (Question 2 - AO3, here, this means to look at the advantages and disadvantages).

Please always try to remember the skill that is being assessed as you answer these questions. Before answering this question, you should go back to the presentation, watch the flipped law video and read the relevant section of your books.

1. Explain the selection and role of juries in the Crown Court. (10 marks)

The jury plays an important role in our justice system. The jury is made up of 12 jurors. Members of the jury are chosen at random on an electoral roll and people who are eligible must be at least 18 years old and under 75- **Criminal Justice and court Act 2015**. They have to have lived in the UK for at least 5 years. People will be disqualified from becoming jurors: if a person is summoned, if they have had a conviction in the last 10 years such as having various community sentences imposed, and if they have ever been sentenced to imprisonment or detention for public protection for example.

People are also disqualified from becoming jurors if they suffer from mental health problems or disorders. Furthermore jurors can also be vetted, so they have routine police checks and background checks to check for suitability. When selected in court the jurors are usually divided into groups of 15 and allocated to a court where the court clerk will select 12 out of the random 15. Before 12 jurors are sworn in, both the prosecution and defence have certain rights to challenge one or more of the jurors: to the array, for cause, prosecution right to stand by jurors.

The jury offers trial by peers, their main role is to return a verdict of guilty or innocence and they must then apply the law to deliver a verdict which must be unanimous. The jury is independent and free from bias and the random nature of selecting the members of the jury demonstrates this.

The average time for a trial lasts 1 day and a half and the jury may be asked to sit on more than one trial for more than one day and the jury are kept apart from other people apart from ushers. The roles of the jury are to: listen to all evidence, look at all exhibits, take notes (although these must be given in at the end), listen to lawyers conclude and listen to the judges summing up and explaining points of law, they then retire to the jury room.

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2. Analyse and evaluate the use of jurors in the criminal justice process. (15 marks)

The jury plays an important role in the justice system however there are advantages and disadvantages.

Firstly one of the advantages of the jury is the balance against state interference. The jury can find defendants not guilty even if they are obviously guilty. This is first seen in 1670- Quakers Penn and Meade, however this is a perverse verdict. In certain cases an advantage of the jury is that they deliver perverse verdicts, this is shown in the case of Kronlid, Kronlid and others caused £1.5 million worth of damage to a fighter aircraft that was to be sold to the Indonesian Government. Kronlid successfully argued that the plane would be used to tyrannize the people of East Timor and was acquitted by the jury.

Furthermore, juries are racially balanced and research in 2007 shows no difference between white, black and minority ethnic people in positive response to jury service, they are also not significantly under-represented either and racially mixed juries do not discriminate against defendants. Another advantage is the public participation in justice, the Justice system serves society and in 2004 a survey suggested that jury service was received positively the reluctance is usually because of inconvenience and many find service reinforces confidence in the system.

On the other hand, there are disadvantages. One disadvantage being that there is no need for reasoned verdicts, the verdicts can be given on a whim and jurors can be forced to go with flow or give genuinely perverse verdicts where this is done in private. The only time the public finds out what happens is when a juror complains as seen in the case Stephen Young 1994 Ouija Board, where the jurors used an untoward method of deciding the verdict of a case. Another disadvantage is that the jury are not truly representative, many are excluded as being disqualified and once these are added in it is likely the juries are disproportionately old. Most convictions are under 25 and mothers of young children are often excused. This means that reluctant jurors try harder to get out of it. Jury vetting also impacts.

In addition, the jurors may lack the ability to do the job as jurors don't really understand the nature of criminal proceedings- lawyers make hard evidence accessible and this can be seen as being manipulated. In certain long and complex cases such as fraud there are problems so now the judge has to hear those cases without the jury, actual workings cannot be tested due to secrecy.

Finally, jury service can have a negative effect on the jurors. Some may find it interesting where some may find distressing- since 2007 counselling has been provided and some jurors put in direct contact with Samaritans where they can disclose details.