

Law Summer Work



Does the punishment fit the crime?

LO: To assess whether convicted murderers are receiving prison sentences that reflect the severity of their crime.

Please only use cases from the English courts

Please note that this is not an easy or a short task that I have set you but it should give you a good idea of the types of skills you will require to be a law student. If you are struggling with some parts of the project, don't worry, just concentrate on the parts that you do understand and do them as well as you can.

Hope to see you in September

Mr McCormack

Tasks

To produce the following

- 1) An explanation of the law on mandatory life sentences and minimum terms or tariffs.
- 2) A number of case studies from the years 2006-2020 that reflect the sentencing practices of the judiciary when it comes to convicted murderers.
- 3) Charts/diagrams to show the average tariff given to convicted murderers since the introduction of the Criminal Justice Act 2003.
- 4) Conclusion as to whether the punishment of convicted murderers does fit the crime.

Your work should be presented as a Word document or similar word processing package which can be printed and submitted if necessary.

1) An explanation of the law on mandatory life sentences and minimum terms or tariffs for those found guilty of murder.

Sources

- [Sentencing - Mandatory life sentences in Murder cases | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/sentencing-mandatory-life-sentences-murder-cases)
- [Sentencing and the Council – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk)

You need to explain what the law is on sentencing for those found guilty of murder and how judges at the end of the trial must tell the defendant the minimum term that must be served in custody and the aggravating and mitigating factors that they can take into account.

Questions to answer

- 1) What is a mandatory life sentence?
- 2) What is meant by minimum term/tariff?
- 3) What are the different 'starting points' in determining the minimum term/tariff to be served?
- 4) How does a judge decide on the starting point for a minimum term/tariff?
- 5) What are aggravating factors? (examples) How do they affect the minimum term/tariff?
- 6) What are mitigating factors? (examples) How do they affect the minimum term/tariff?
- 7) What does it mean to 'remain on licence' for the rest of your life?

2) A number of case studies from the years 2006-2020 that reflect the sentencing practices of the judiciary when it comes to convicted murderers.

How to find case studies (Do not use American cases!)

- <https://murderpedia.org/country/united-kingdom.htm> (a good place to start but the trials must have taken place after 2006)
- You may have to Google the names of the victim or defendant to get more detail.
- You can also just search for murder cases on the BBC news, SKY news, and most of the newspapers, both national and local. You may have to look at a couple of articles to find the sentence imposed. Make notes on the details of the case and the minimum term that was imposed by the judge. Try to make sure you have a range of different case studies from whole life terms to 15 year terms.
- Case studies should include if possible
 - ✓ Pictures
 - ✓ Details of offence
 - ✓ Aggravating and Mitigating factors
 - ✓ Minimum term imposed
 - ✓ Relate the cases back to the law as stated in section 1.

Each case study should be on a separate page. About 6 or 7 case studies should be enough.

3) Charts/diagrams to show the average tariff given to convicted murderers over the law few years since the introduction of the Criminal Justice Act 2003.

You are going to have to gather quite a lot of information to complete this part of the project. Your cases studies will provide you with some information but you will need information from about 30 cases since 2005.

<https://murderpedia.org/country/united-kingdom.htm>

Your selection should be completely random but you **must** keep a list of the offenders and sentences that you have recorded.

The idea is to come up with some statistics to help us answer the question as to whether convicted murderers are receiving tariffs that reflect the severity of their crime.

Your results could be presented in bar chart form reflecting the wide variety of sentences as well as an average/mean score which would give a general overview of whether the offenders are being sentenced appropriately.

The results should be presented in a colourful and attractive manner that is easily understandable by someone from a non-law background.

4) Conclusion as to whether the punishment of convicted murderers does fit the crime.

You need to come to a conclusion based on the data collected as to why you think the present sentencing system for convicted murderers is fit for purpose or not. Whether you think it is or isn't is your opinion, but it needs to be backed up with data.

A couple of paragraphs should be enough to sum up your views.

Possible Extension/Alternative Project (Number 1)

Are men who murder their partners or ex partners receiving sentences that reflect the severity of their crime? ("*Intimate partner murders*")

- An explanation of the law on mandatory life sentences and minimum terms or tariffs.
- A number of case studies involving women who were killed by partners or ex partners or boyfriends from the years 2005-2020 and the sentences they received.
- A Chart or diagrams to show the mean tariff given to "Intimate Partner Murderers" since the introduction of the Criminal Justice Act 2003.
- Conclusion as to whether men who murder their partners or ex partners are receiving sentences that reflect the severity of their crime? You could then suggest reasons why the sentences seem too lenient or too strict.
- You might also like to look into women who murder their partners and what type of sentences they receive as a comparison.

Possible Extension/Alternative Project (Number 2)

Are defendants from ethnic minority backgrounds receiving sentences that reflect the severity of their crime?

- An explanation of the law on mandatory life sentences and minimum terms or tariffs.
- A number of case studies involving murderers from ethnic minority backgrounds from the years 2005-2020 and the sentences they received. A number of cases involving convicted murderers from white British background.
- A comparison of the two sets of cases.
- Conclusion as to whether murderers from ethnic minority backgrounds are receiving sentences that reflect the severity of their crime? Are they being over punished or under punished? Suggest reasons why that might be so.