

Woman jailed in Britain for six months for begging for 50 pence

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Worcester County Court recently sentenced a vulnerable woman to six months in prison for the “crime” of asking two people in the street for 50 pence.

The judgment, delivered in February of this year by District Judge Mackenzie, justified the custodial sentence on the grounds that the conduct of the woman—identified in the court documents as Marie Baker—constituted a repeated breach of a civil injunction against her.

The power to issue a civil injunction of the kind, which prevented Baker from begging from anybody in the City of Worcester, is enshrined in the Anti-social Behaviour Crime and Policing Act 2014.

Baker was jailed for what were fourth and fifth breaches of the anti-social behaviour injunction. She had already been jailed for one day, 28 days and three months respectively for previous breaches.

The fact that publicly asking for the sum of 50 pence can result in six months imprisonment means, literally, the criminalisation of poverty.

This is made all the more overt by the Court’s recognition that the request was neither aggressive nor persistent. “She has been told ‘no’ and she has not persisted,” the judge in the case said.

District Judge Mackenzie described Baker as “a fragile individual,” who “has difficulty reading and writing,” and “difficulty in understanding.” Yet the Court ruled that there was no indication that “she lacks capacity to deal with matters.”

Baker was refused any legal representation on the basis that she failed to obtain legal aid—a legal protection which has been devastated by a ruthless bipartisan attack culminating in the recent Legal Aid, Sentencing and Punishment of Offenders Act 2012. Too poor to fund a solicitor herself, Ms Baker was denied legal representation.

District Judge Mackenzie justified the sentence by saying that to “simply give repeat injunctions and allow people to go continuing begging, continuing to persist in a nuisance to the population,” would leave the injunction “without some real teeth.” The Court needed to “mark the blatant repeat breaches of this injunction with something meaningful.”

While the Court expressed regret in its judgment, its actions suggest the opposite: Baker had already been jailed three times, with each sentence substantially longer than the previous.

The denial to Baker of any legal representation is the direct consequence of the brutal assault against legal rights and the criminalisation of the working class through increasingly punitive sanctions. The anti-social behaviour legislation—which is now extending the sentencing power of courts—has historically been an area of law enabling civil rather than criminal redress.

The District Judge admitted that Baker’s appearance as a litigant in person “came close” to breaching her right to a fair trial under the Human Rights Act 1998. One has to wonder, what would be considered an actual breach of her human rights, taking into account her illiteracy and financial hardship!

Without legal representation, Baker was heavily disadvantaged in her trial. It is no surprise that she was unable to procure the prerequisite evidence for her principal defence arguments—that of mistaken identity; calling upon CCTV evidence for corroboration; that she had an alibi; and that a police officer had fabricated the prosecution’s evidence.

According to the *Independent*, “Ms Baker claimed she had an alibi and believed CCTV images would prove her account, but she struggled to provide the evidence. She also claimed mistaken identity and said police ‘had got it in for her’ but both were dismissed

by the judge.”

Without doubt, legal representation, as admitted by the District Judge in this case, would have resulted in a more favourable outcome for Baker, and she would have been better equipped to put forward an effective defence.

The reality is that, without a legal representative, Baker was given an unfair trial. She was unable to challenge her remand, and unable to ensure that correct procedural regulations (enshrined in the Police and Criminal Evidence Act 1984 and its Codes of Practice) were followed in relation to her remand and the investigation against her.

She also could not understand the implications of the minutiae of such investigation for her trial, the weight of evidence against her and the legal and evidentiary burdens required for the trial. Neither did she know how to conduct a plea in mitigation based on knowledge of the Court’s sentencing powers.

Baker’s inability to get legal representation was described by the District Judge as being a typical, rather than a unique, problem experienced by those facing the offence of contempt of court for breach of a civil injunction.

Had the test for legal aid been one of means (as it generally is in criminal cases), Baker would have likely received legal aid. However, for those accused of contempt of court for breaching an injunction, criminal legal aid is required in such cases even when the trial is in a civil court, and criminal legal aid for contempt of court is not means tested.

Recent annual cuts to legal aid equating to a figure of £220 million will continue year on year until 2018 under the Conservative government. A study from Amnesty International concluded that the year before the Legal Aid, Sentencing and Punishment of Offenders Act 2012 entered into force, legal aid was granted in 925,000 cases, whereas in the year after it entered into force, legal aid was granted in only 497,000 cases (a 46 percent decline).

Baker is ultimately a victim of years of relentless austerity, which has plunged millions of people into poverty and destroyed essential social services.

The result of this savagery is that a new era has been ushered in which there is a growing prevalence of media headlines, such as the case of Baker, which were commonplace during the Dickensian period.



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