



To be opened on receipt

LEVEL 2 AWARD THINKING AND REASONING SKILLS

B902/01/RB Unit 2 Thinking and Reasoning Skills Case Study

PRE-RELEASE MATERIAL

JUNE 2014



INSTRUCTIONS TO CANDIDATES

- This Resource Booklet is for examination preparation. You will be given a clean copy in the examination.

INFORMATION FOR CANDIDATES

- **CONTENTS OF THE RESOURCE BOOKLET**
 - Document 1 Background information to the Derek Bentley case
 - Document 2 Extracts from Derek Bentley's police statement
 - Document 3 A report of some of the evidence given by police officers at the trial
 - Document 4 Adapted extracts from the trial judge, Lord Chief Justice Goddard's summing up to the jury at the original trial
 - Document 5 Extracts from a 1998 *Guardian* newspaper article following the pardon
 - Document 6 Adapted from an article written for the *Guardian* newspaper by Albert Pierrepoint, the hangman
 - Document 7 A Sixth Form Law class is asked to prepare arguments FOR or AGAINST reinstating capital punishment as a penalty for murder.
 - Document 8 An English class imagines what they would have written in a letter to the Queen while Derek Bentley was awaiting his execution.
- This document consists of **12** pages. Any blank pages are indicated.

INSTRUCTION TO EXAMS OFFICER/INVIGILATOR

- Do not send this Resource Booklet for marking; it should be retained in the centre or recycled. Please contact OCR Copyright should you wish to re-use this document.

DOCUMENT 1

Background information to the Derek Bentley case

- In November 1952, PC Sidney Miles was shot and killed during a warehouse break-in in Croydon, Surrey. Three other police officers were present, one of whom suffered a gunshot injury. Two teenage boys were arrested and put on trial.
- The trial, which attracted a great deal of public attention, led to the execution of nineteen-year-old Derek Bentley at Wandsworth Prison in London. Bentley was sentenced to death by hanging, which at the time was a legal but increasingly infrequent punishment for murder.
- One particularly interesting feature of this case was that Bentley did not pull the trigger of the gun that killed PC Miles. The murder was actually committed by Bentley's friend, Christopher Craig, who was not sentenced to death because he was only sixteen years old at the time, a juvenile according to the law. Christopher Craig was sentenced to be detained at Her Majesty's Pleasure and was released in May 1963 after serving 10 years' imprisonment.
- The phrase 'Let him have it', spoken by Derek Bentley before the fatal gunshot, was controversial in its interpretation. The judge presiding over Bentley's case (Lord Goddard) interpreted his words as 'mentally aiding the murder', but alternative interpretations suggest that he was attempting to persuade Christopher Craig to hand over the gun as requested by a police officer.
- A petition was signed by around 200 Members of Parliament, pointing out that Craig was the ringleader of the two boys and that Bentley had a mental age that was younger than Craig's. The petition was a response to huge public support for a reprieve, but the Home Secretary at the time refused to intervene in the case.
- The jury found Bentley guilty of murder under the principle of common criminal purpose but included a plea for mercy. This was denied by the Judge and Bentley was hanged in the month after the trial.
- Bentley's execution led to a campaign lasting almost half a century for a posthumous pardon.
- In 1993, a partial pardon was granted to Bentley by the Home Secretary at the time, Michael Howard, saying that Bentley was guilty of being involved in the murder but should not have been hanged due to mitigating factors.
- In 1998, the Appeal Court officially quashed Bentley's conviction, on the basis that the judge had been biased against the defendants and that he had misdirected the jury.

DOCUMENT 2**Extracts from Derek Bentley's police statement**

Statement of: DEREK WILLIAM BENTLEY, aged 19, 1 Fairview Road, London Road, Norbury.

I have been cautioned that I need not say anything unless I wish to do so, but whatever I do say will be taken down in writing and may be given in evidence.

I have known Chris Craig since I went to school. We were stopped going out together by our parents, but we still continued going out with each other – I mean we have not gone out together until tonight. I was watching television tonight (2nd November 1952) and between 8pm and 9pm Craig called for me. My mother answered the door and I heard her say I was out. I had been out earlier to the pictures and got home just after 7pm.

My mother told me that he had called and I then ran out after him. I walked up the road to the paper shop where I saw Craig standing. Chris Craig and I then caught a bus to Croydon. We got off at West Croydon and then walked down the road where the toilets are – I think it is Tamworth Road. When we came to the place where you found me, Chris looked in the window. There was a little iron gate at the side. Chris then jumped over and I followed. Up to then Chris had not said anything. We both got out on to the flat roof at the top. Then someone in a garden on the opposite side shone a torch up towards us. Chris said: "It's a copper, hide behind here". We hid behind a shelter arrangement on the roof. We were there waiting for about ten minutes. I did not know he was going to use the gun. A plain clothes man climbed up the drainpipe and on to the roof. The man said: "I am a police officer – the place is surrounded". He caught hold of me and as we walked away Chris fired. There was nobody else there at the time. The policeman and I went round a corner by a door. A little later the door opened and a policeman in uniform came out. Chris fired again then and this policeman fell down. I could see he was hurt as a lot of blood came from his forehead just above his nose.

The other policeman dragged him round the corner behind the brickwork entrance to the door. I remember I shouted something but I forget what it was. I could not see Chris when I shouted to him – he was behind a wall. I heard some more policemen behind the door and the policeman with me said, "I don't think he has many more bullets left". Chris shouted "Oh yes I have" and he fired again. I think I heard him fire three times altogether. The policeman then pushed me down the stairs and I did not see any more. I knew we were going to break into the place, I did not know what we were going to get – just anything that was going. I did not have a gun and I did not know Chris had one until he shot. I now know that the policeman in uniform is dead. I should have mentioned that after the plain clothes policeman got up the drainpipe and arrested me, another policeman in uniform followed and I heard someone call him 'Mac'. He was with us when the other policeman was killed.

DOCUMENT 3**A report of some of the evidence given by police officers at the trial**

DC Fairfax:

DC Fairfax began to climb up to the flat roof. He was the first officer on the roof. PC Miles (who was in Tamworth Road) had spotted someone on the flat roof, so DC Fairfax had climbed over the gate into the passageway running along the west side of the warehouse. PC McDonald was there too and attempted to climb a drainpipe behind DC Fairfax but was insufficiently athletic and could not manage the last six feet. It was a dark night, with little moonlight, and DC Fairfax had no torch.

DC Fairfax's account was that, when he got on to the roof about 23 feet south of the stairhead, which was to his left, he saw Derek Bentley and Christopher Craig standing between the roof lights and the lift shaft. As he approached, they backed away behind the lift shaft. He shouted that he was a police officer and that they should come out from behind the lift shaft, whereupon Craig shouted, "If you want us, come and get us". DC Fairfax then rushed behind the lift shaft and grabbed Bentley. He pushed (in cross-examination he said "pulled") Derek Bentley round the front of the lift shaft, intending to apprehend Craig, but as they reached the south west corner of the lift shaft, Bentley broke away from him and, as he did so, shouted "Let him have it, Chris", whereupon there was a flash and a loud bang and he felt something strike his right shoulder which caused him to spin round and fall down. When this happened, he was about 6 feet from Craig.

As he got up, Fairfax saw one person moving to his left and one to his right. He grabbed at the one to his right, who turned out to be Bentley, and punched him. Bentley fell down and at the same time there was a second loud bang. He then pulled Bentley up and, using him as a shield, made his way to the corner of the north easterly roof light. He then felt over Bentley's clothing and found a knuckle-duster in his right-hand coat pocket and a knife in his right-hand breast pocket. He told Bentley that he intended to lead him round the roof to the door in the stairhead. When he heard this, Bentley said to DC Fairfax, "He'll shoot you". As Fairfax and Bentley moved around the roof, Craig followed at first but then retreated to a corner.

PC Harrison:

He was at the eastern end of the building with the sloping roof, and so about 60 to 70 feet from the lift shaft, when he saw DC Fairfax detain Derek Bentley and begin to walk him towards the stairhead. PC Harrison called out to DC Fairfax to ask if he was all right and received the reply, "I've got one. There's another one on the roof". He then saw Bentley break away from DC Fairfax and heard him call out: "Let him have it, Chris". Immediately afterwards, he heard two shots fired from the direction of the lift shaft and saw DC Fairfax spin round and drop to the roof. He then began to edge along the gully towards the flat roof. Craig came from behind the lift shaft to the side of the flat roof and aimed and fired two shots at him, which fortunately missed but caused him to retreat.

PC McDonald:

He said that he realised he could not climb the last 6 feet or so of the drainpipe and was just beginning to climb down again when he heard someone shout, "Let him have it, Chris". He did not hear an immediate shot, but had time to descend to the ground, when he heard two or three shots fired. He said that several minutes elapsed between hearing the shout and the shots.

DOCUMENT 4**Adapted extracts from the trial judge, Lord Chief Justice Goddard's summing up to the jury at the original trial**

Paragraph 1

Any question of fact in the case is entirely one for you, not for me. I have to direct you as to the law, and you will have to consider the facts and apply the facts in accordance with the law as I tell it to you.

Paragraph 2

Well, now I turn to Bentley. Members of the jury, these two youths are tried together, and they are both tried for the murder of PC Miles. It is quite unnecessary, where two or more persons are engaged together in an unlawful criminal act, to show that the hand of both of them committed the act.

Paragraph 3

The simplest illustration I could give you is this: If two men go out housebreaking, it is common for one of them to break into the house and the other to stand outside and keep watch, but they are both taking part in the unlawful enterprise, and therefore they are both guilty. If one stands outside so that the other may hand out the loot to him, he is not guilty merely of receiving stolen property; he is guilty of breaking in, because he is a party to the breaking in. Similarly, where two are engaged in a crime—and warehouse-breaking is a crime—and one knows that the other is carrying a weapon, and there is agreement to use such violence as may be necessary to avoid arrest, and this results in the killing of a person, both are guilty of murder. It is no defence for one of them to say, "I did not think my companion would go as far as he did".

Paragraph 4

Now let us see what the evidence is with regard to Bentley. The first thing that you have to consider is: Did Bentley know that Craig was armed? Now, you know, just because I sit on the Bench and you sit in the jury-box it is not necessary that we leave our common sense at home. The great virtue of trial by jury is that jurymen can exercise the common sense of ordinary people. Can you suppose for a moment, especially when you have heard Craig say that he carried a revolver for the purpose of boasting and making himself a big man, that he would not have told his pals that he had got a revolver? Is it not almost inconceivable that Craig would not have told Bentley, and probably shown him the revolver? I should think you would come to the conclusion that the first thing, almost, Craig would tell him, if they were going off on a shop-breaking expedition, was: "It's all right. I've got a revolver with me".

Paragraph 5

Then see what Bentley had on him. Apparently it was given to him by Craig, but Bentley was armed with this knuckleduster. Have you ever seen a more horrible sort of weapon? This is to hit a person in the face with who comes at you. You grasp it *here*, your fingers go through and you have got a dreadful heavy steel bar to strike anybody with; and you can kill a person with this, of course. Then did you ever see a more shocking thing than *that*? You have got a spike with which you can jab anybody who comes at you; if the blow with the steel is not enough, you have got this spike at the side to jab. You can have it to see, if you like, when you go to your room. It is a shocking weapon. Here was Craig armed with a revolver and also a sheath knife. Here is Bentley with a smaller knife, but you can feel it is sharp and pointed. Why is he carrying that in his coat, not even with a sheath on it?

Paragraph 6

Can you believe for a moment that Bentley did not know Craig had the gun? You are not bound to believe Bentley if you think the common sense of the matter is overwhelming that he must have known that he had it.

Paragraph 7

Now, of course, the most serious piece of evidence against Bentley is that he called out, if you believe the evidence, to Craig “Let him have it, Chris!”, and then the firing began, and the very first shot struck Sergeant Fairfax. Gentlemen, those words are sworn to by three police officers—Sergeant Fairfax, Police Constable McDonald and Police Constable Harrison; they all swear that they heard Bentley call that out, and that then the firing started. There is one thing I am sure I can say with the assent of all you twelve gentlemen, that the police officers that night, and those three officers in particular, showed the highest gallantry and resolution; they were very brave. Are you going to say they are liars doing their best to swear away the life of that boy by falsely saying that he called out, “Let him have it, Chris!”, or are you going to say that it is true and a deadly piece of evidence against him? Do you believe that those three officers have come into the witness box and sworn what is deliberately untrue—those three officers who on that night showed a devotion to duty for which they are entitled to the thanks of the community?

DOCUMENT 5**Extracts from a 1998 *Guardian* newspaper article following the pardon**

Justice at last, 45 years too late

The bottle of champagne that had been sitting in a south London cupboard for 40 years was finally opened yesterday to celebrate the quashing of Derek Bentley's conviction for the murder of PC Sidney Miles.

Since William Bentley bought the bottle in 1958 in expectation of toasting his son's posthumous pardon, the family has experienced many raised and dashed hopes. In the Court of Appeal yesterday the long crusade reached its conclusion.

The Lord Chief Justice quashed the conviction in a 52-page judgment which severely criticised his predecessor Lord Goddard, ruled that the conviction had been unsafe because of the judge's intemperate summing-up and expressed regret that the mistrial had not been spotted soon enough to save Bentley.

Maria Dingwall-Bentley, who has led the campaign to clear her uncle's name since her mother, Iris Bentley, died of cancer last year, said she was elated by the result but sad that her mother was not alive to see it. "I'm absolutely thrilled," she said as she popped the cork and declared the champagne much better than expected. "The British justice system has had a death on its hands for all those years."

Tamsin Allen, another member of the legal team which unearthed fresh evidence for the appeal, said that it would seek compensation for the family. She accused the Home Office of lack of will for not reopening the case earlier.

Christopher Craig, who fired the shot that killed PC Miles during a warehouse robbery and served 10 years for the crime, because at 16 he had been too young to hang, said he was saddened that it had taken so long to clear Derek Bentley's name. He had offered to give evidence in the appeal but was not called. "I am truly sorry that my actions on November 2, 1952, caused so much pain and misery for the family of PC Miles, who died that night doing his duty, also for the Bentley family," said Mr Craig, who has worked as a plumber and farmer since his release. "A day does not go by when I do not think about Derek and now his innocence has been proved by this judgment."

Fred Broughton, chairman of the Police Federation, said: "Our thoughts are with the family of PC Sidney Miles, who gave his life in the line of duty and whose death is often forgotten".

It has been one of the longest-running campaigns to clear a convicted prisoner's name and has led to books, plays, a film and songs commemorating Bentley in a way that can hardly have seemed possible when he was a slow, easily-led teenager with a mental age of 11.

He had been born in 1933 and, with his family, was bombed out three times in south London during the Second World War.

Yesterday Hugh Maw, the educational psychologist at his school, recalled the young Bentley. "Derek was never violent, he was bullied and easily led," said Mr Maw, whom Bentley nicknamed 'Slasher' because of his haircut of the time. "When there was trouble at the school", said Mr Maw, "Bentley would be the one left behind as the brighter boys fled. This led to frequent beatings from the authorities".

It was already apparent that he was educationally sub-normal, as it was then called. He was unable even to write his name. When he left the school, he fell under the influence of Christopher Craig, whose older brother was a well-known criminal. The Bentleys disapproved of the friendship, knowing of Craig's habits, but their son ignored them, meeting up with Craig on what was to be his last night of freedom.

DOCUMENT 6

Adapted from an article written for the *Guardian* newspaper by Albert Pierrepoint, the hangman, withheld for publication until after the pardon was issued in 1998

In some ways the wait in the Wandsworth death cell had been better for Bentley than for many murderers who went before him. Until the very last moment, a reprieve seemed possible.

The jury, who found both lads guilty of murder, added a recommendation of mercy for Bentley. So he became one of the few killers for whom such a recommendation meant nothing. A storm of public feeling blew up. It increased as Bentley's last days slipped by, his appeal was dismissed, and protest marches by crowds, pleas in Parliament, went all unheeded by the authorities.

The storm was going on when I was asked to attend at Wandsworth Prison to hang Bentley. As I peered from the upper windows of the No. 77 bus which took me to Wandsworth the day before the execution, I saw newspaper placards along every street, proclaiming: "MPs Fight To Save Bentley." So even 16 hours before the execution was due, there was still doubt that it would be allowed to take place.

We knew Bentley was a little simple-minded. He had been so sure that he wouldn't hang. It did not seem logical to his uncomplex brain that – if Craig fired the murder shot and was not to be hanged – he should be executed. His family shared his belief. They went further than just thinking he would not hang. They seemed to expect that he would shortly be released from prison.

When his family came to visit him at Wandsworth, the stark little interview room where they saw him had become almost a replica of their cosy family parlour in Norbury. Father, mother, 10-year-old brother Dennis and sister Iris, all laughing and making jokes, sharing fruit and cigarettes.

The night before Bentley's execution, Parliament was at a late session and 200 members had signed a petition demanding mercy for Bentley. The motion for a debate had been rejected, but the possibility of a last-minute reprieve still hung in the air, stronger than I have ever known it on any other execution eve.

But the morning papers carried headlines saying only that there was to be "No Reprieve for Bentley".

Later that day the controversy became purposeless, for Derek Bentley was dead.

DOCUMENT 7

A Sixth Form Law class is split into Teams A and B and is asked to prepare arguments FOR or AGAINST reinstating capital punishment as a penalty for murder. Their arguments appear below:

Team A's arguments:

1. Capital punishment should be brought back as a penalty for murder. When a person takes the life of another human being, they give up their right to life. Also, prison would not be a severe enough punishment for taking a life. Therefore, capital punishment is the only way of ensuring that justice is done.
2. The number of murders that still take place makes our society unsafe. The fear of being executed would prevent many of those murders from happening. Therefore our society would be a safer place if the death penalty were reintroduced.
3. Capital punishment should be mandatory for the murder of police officers.

Team B's arguments:

1. We believe that bringing back capital punishment would be disastrous because it is barbaric, outdated and inappropriate for today's society.
2. Once a person has been put to death we cannot reverse the punishment if we later find out that the person was innocent after all. One innocent person killed for a crime they didn't commit is one too many. So, capital punishment is too final to be used as a penalty. On Amnesty International's website, it states that 'Since 1973, over 130 people have been released from death row throughout the United States due to evidence of their wrongful convictions. In 2003 alone, 10 wrongfully convicted defendants were released from death row'. This clearly shows that we should never reinstate the death penalty in the UK.

DOCUMENT 8

An English class has been studying a book about the Derek Bentley case. Their teacher has asked them to imagine what they would have written in a letter to the Queen while Derek Bentley was awaiting his execution. Two of the students' letters appear below:

Your Majesty the Queen

You *must* reconsider hanging Derek Bentley. Everyone, even including two hundred politicians, thinks he is innocent so it would be wrong to go through with the death penalty in this case.

Although I understand the need to send out a message to young people about carrying dangerous weapons and going around acting like movie gangsters, it is not fair to make an example of an innocent boy. Derek Bentley is only guilty of being easily led by Christopher Craig and, apart from carrying a weapon in his pocket and breaking in to a warehouse, he hasn't actually committed a crime serious enough to be killed for. Also, Derek Bentley has a mental age of 11, so he should not be punished for his crimes.

The jury asked for mercy when they delivered their guilty verdict, but mercy has not been shown here unless you reverse Lord Goddard's decision to hang Derek Bentley.

Yours sincerely

Abigail Douglas

Dear Queen Elizabeth

It is obvious that a miscarriage of justice has taken place that you can put right by reversing Lord Goddard's decision to execute Derek Bentley.

The evidence in the case is highly questionable. Firstly, the words 'Let him have it' have been misunderstood. Also, if Derek Bentley had intended to hurt anyone then he had every opportunity to do so because he had a knuckleduster and a knife in his pocket when he was grabbed by a policeman. The fact that he didn't do anything shows that he is a good person.

Because this was a police officer who was killed, the police want someone to pay for the death of their friend. The person who pulled the trigger cannot be hanged, so Derek Bentley is the unlucky scapegoat. An innocent person is going to be killed for the wrong reasons unless something is done about it. I know you will make the right decision because you look like a kind lady on TV.

Yours faithfully

George Trotter

**Copyright Information**

OCR is committed to seeking permission to reproduce all third-party content that it uses in its assessment materials. OCR has attempted to identify and contact all copyright holders whose work is used in this paper. To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced in the OCR Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download from our public website (www.ocr.org.uk) after the live examination series.

If OCR has unwittingly failed to correctly acknowledge or clear any third-party content in this assessment material, OCR will be happy to correct its mistake at the earliest possible opportunity.

For queries or further information please contact the Copyright Team, First Floor, 9 Hills Road, Cambridge CB2 1GE.

OCR is part of the Cambridge Assessment Group; Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.