COVID19 AND THE COURTS CRISIS

• At the one-year anniversary of the first COVID lockdown, the backlog in the magistrates’ courts was 476,932 and 56,875 in the Crown courts (HMCTS, 2021)

• Many of the outstanding cases involve vulnerable victims of domestic abuse whose cases may not be resolved within two years

• Nightingale courts and use of remote hearings now mean that courts are processing as many cases as they did pre-COVID. The backlog remains largely untouched.

• Reports indicate that doubling the courts budget will not eradicate the backlog

• Out of court disposals reduce the number of cases going to court but their use has fallen since 2014. Out of court disposals would need to double to reach the number imposed in 2012.

• Either way offences could be heard by one judge and two magistrates rather than being dealt with by the Crown courts. This would mean 50,000 cases were taken out of the Crown courts, and justice delivered more speedily.

• Lord Justice Auld suggested this in 2001. 90% of magistrates agree.

Would this help the backlog? There has been no other proposal which brings about change on this scale. Approximately 50,000 either-way offences are tried in the courts each year which could all be dealt with under Lord Justice Auld’s proposed system. This is approximately the same number of backlogged cases in the Crown courts in 2021.

Would politicians be bold enough to make such a radical change, and would the public and judiciary be prepared to embrace a change to a long-standing part of the British establishment?

The right to jury trial is strongly defended and has been a totem for liberal democracies. Although a nostalgic reflex may not be enough to overcome the very real issue that many, many people in the UK are having justice delayed, and, by dint of that, denied.

The real choice is between making this significant change in order to secure justice for victims of crime, or to let people wait months and years to have their cases heard in a creaking and virtually-broken criminal justice system.
"IF YOU INVEST IN CRISIS, YOU GET CRISIS. IF YOU INVEST IN PREVENTION, YOU GET PREVENTION, AND ALL WE EVER DO IS INVEST IN CRISIS...."
JESS PHILLIPS, SHADOW MINISTER FOR DOMESTIC ABUSE 2021

FOR MORE DETAILS OF THE SHADOW PANDEMIC PROJECT SEE

PROFESSOR SANDRA WALKLATE
PROFESSOR BARRY GODFREY
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