

The problems in criminal courts in England and Wales



Easy Read version of: Independent Review
of the Criminal Courts Part I

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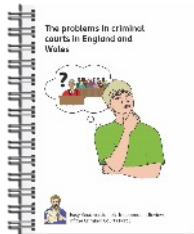
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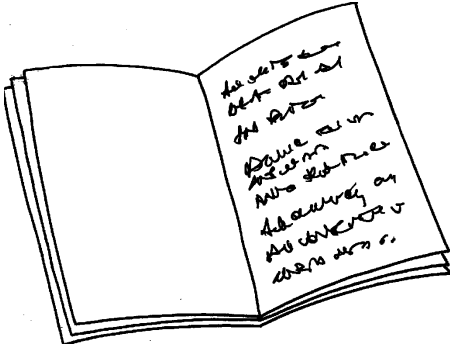
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There are some difficult words in this booklet. These are in **bold**. There is a list of what they mean at the end of this booklet.

The current problems



The criminal courts in England and Wales are having big problems.



There are over 75,000 cases waiting to be heard in the Crown Courts. This is twice as many as in 2019. Some trials won't happen until 2029.



This creates huge problems:

- **victims** and **witnesses** are upset and some do not go ahead with their court case



- **defendants** do not know what is going to happen to them for years.



Victims are people who have been hurt by a crime.



Witnesses are people who have seen a crime and can describe what happened.



Defendants are people accused of doing a crime.



There are too many people in prison waiting for a very long time to go to court.

Why the problems in our criminal courts have happened



There are several reasons for the problems:

- Not enough money.

The courts got less funding over many years.

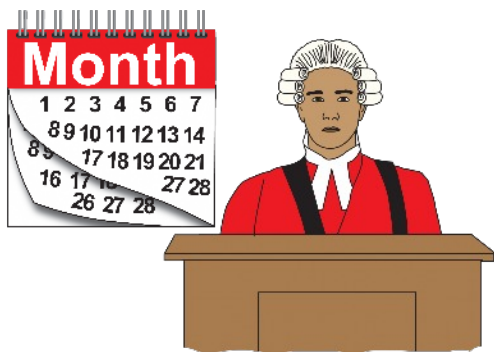
Now there are fewer courts and fewer staff who know the system.



- There are many different agencies in our justice system which need to work together.

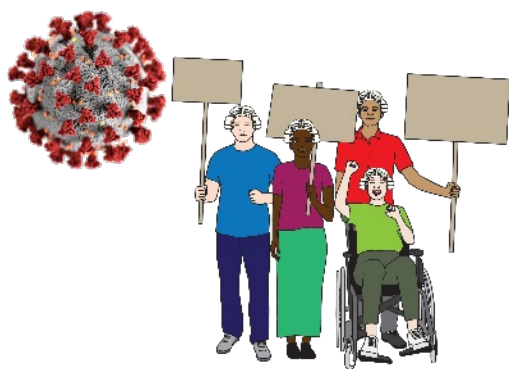
This includes police, **prosecutors** and courts.

Prosecutors are lawyers who try to show someone did a crime.



- Cases take longer.

There is more evidence for juries to look at such as evidence from mobile phones, computers or DNA testing.



- COVID-19 and strikes.

The pandemic and the barristers' strike in 2022 made it worse.

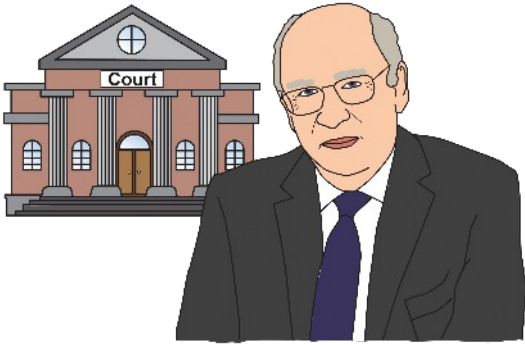


- Since 2019 the government has focused on tackling serious crimes but has not given courts extra money to handle them.



- A high number of serious cases such as sexual offences and exploitation, knife crime, and violence against women and girls.

About this report

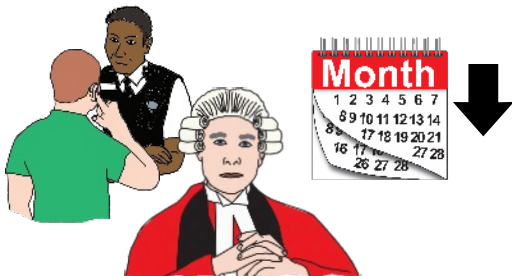


In December 2024 the Lord Chancellor asked Sir Brian Leveson and his team to look at how to make the criminal courts work better and more fairly.



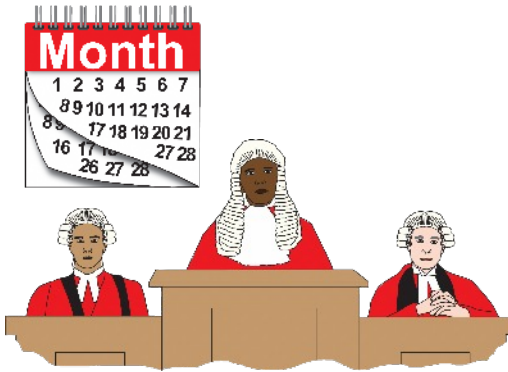
The Review looked at:

- Ways to deal with more cases in the lower courts.



- Shortening the time between **charging** someone and their trial.

All changes this Review sets out must follow 5 basic rules:



1. Fair decisions. The time courts take to deal with **offences** should match the seriousness of the offence. Courts should respect everyone taking part in the trial.

An **offence** is something you do that breaks the law.



2. We need to keep courts open and accessible so everyone can participate.



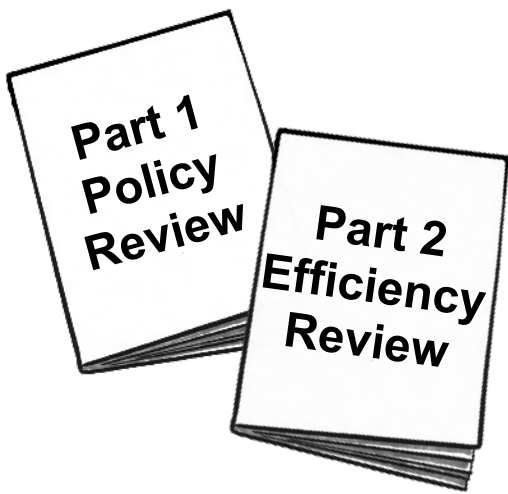
3. There must be a balanced approach to protect everyone's rights.



4. There must be fair treatment so we do not unfairly target any groups.



5. We need to deal with court cases faster.



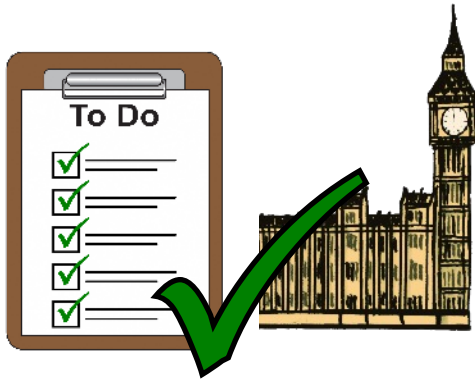
The Review is in 2 parts

- Part 1: Major changes that need new laws. This is called the Policy Review.
- Part 2: Better technology and people management. This is called the Efficiency Review and is coming later in 2025.

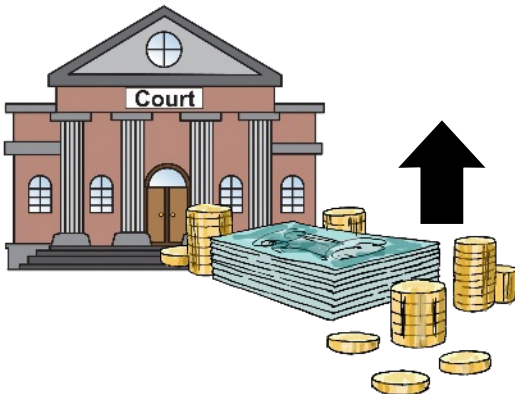


The Review has made **recommendations** in this report about how to do things.

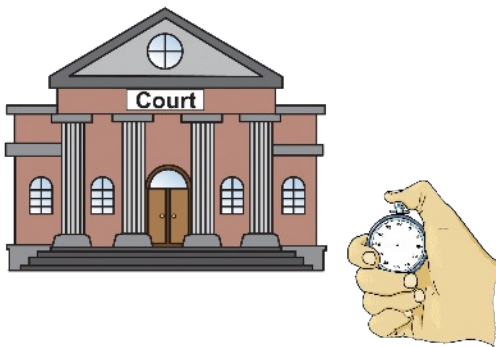
Recommendations are suggestions.



The Review has thought about what the government needs to change to carry out the recommendations.



For example, there should be more money to pay for more judges and people working in courts so that there can be more trials.



At the end of 2025, there will be a second Review. The Efficiency Review which will look if there are ways the courts can do their work more quickly and more easily.



This might include using new technology to do their work.

How they did the review

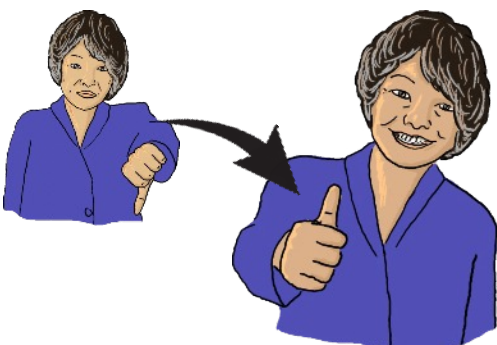


The Review team asked lots of different people for their views on the criminal justice system. This included:

- university teachers who are experts in courts and law
- court staff
- members of the public.



The Review asked people to email ideas and also held face to face meetings for people to give their ideas.

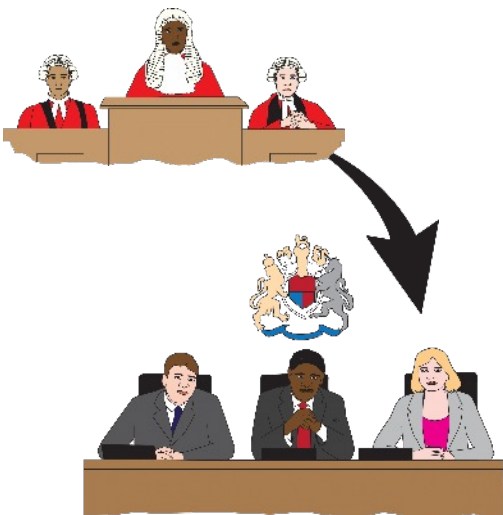


People told the team at meetings and in emails that the criminal justice system needs to be improved.

Testing ideas



The Review needed to check how its recommendations would affect the way cases go through the courts.



For example, the Review looked to see if many cases could be moved into lower courts so that they do not take up time in the Crown Court.



This would save some money because the Crown Court cases take longer, which costs more money.

Treating people the same



Sometimes changes to the justice system can lead to unfair results for different people such as black, Asian and minority ethnic groups, females and young offenders.



It can make people lose trust in the way things work.



Here are some ideas to help keep things fair:

- do more to solve problems without going to court
- continued training for judges and **magistrates** about equality, diversity and inclusion





- make sure prosecutors treat everyone fairly



- make sure that the police are trained to be fair and treat people equally.

Recommendations

Keep minor cases out of court using Out of Court Resolutions or OOCRs



An **Out of Court Resolution** means dealing with a crime without going to court. OOCRs can be warnings or fines or saying sorry to the victim.



The number of OOCRs has gone down in the last 10 years.



If police deal with small crimes without going to court it would free up courts for more serious crimes.

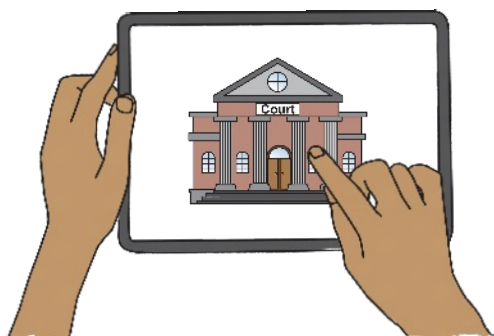
What the Review suggests



That police forces and prosecutors should work together on the rules about making OOCRs and always check if they can use an OOCR instead of a court hearing.



There should be more training about OOCRs.

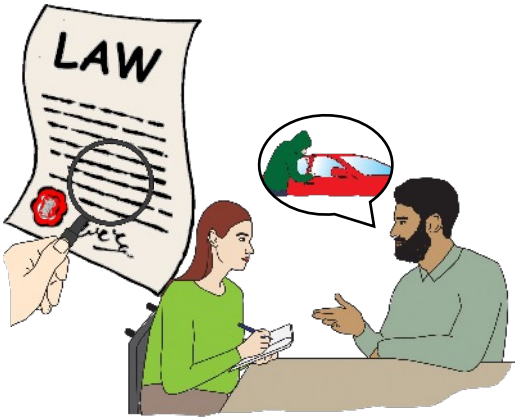


Use digital tools to see if cases waiting for trial could be sorted out without a trial.



Spend more money on **rehabilitation programmes**.

Rehabilitation programmes include counselling, education and medical treatment to help a person stop misusing drugs and alcohol.



Review the law from 1974 about when someone has to mention when applying for work that they once did a crime.



Use the **Deferred Prosecution Scheme** and **Restorative Justice** for more people.

The **Deferred Prosecution Scheme** is when the police might tell a suspect that they will not send them to court provided that person stays out of trouble for 6 months.



Restorative Justice means that the defendant does not go to court but has to do things to show they are sorry for what they did, and understand how the victims feel.

Better police and prosecutor teamwork

Making decisions about arresting, charging and releasing a **suspect** need to happen quickly and fairly.

A **suspect** is a person the police think committed a crime.

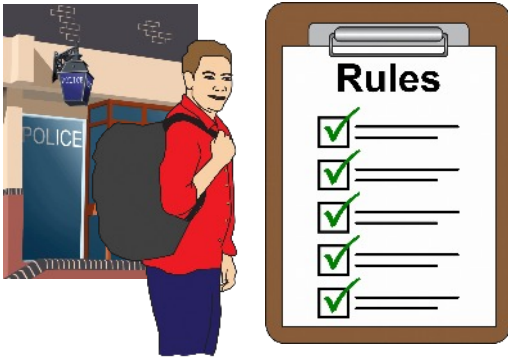


Because of new laws in 2017 and 2022, a suspect can be allowed to live their life as normal while police look into a crime.

This is called being on **release under investigation** or **RUI**.



Sometimes people are waiting for the police to make a decision about whether they will be charged for over a year.



The police can also choose to let the suspect leave the police station but make sure there are rules so that the person is not allowed to go to some places or see some people.

This is called **bail**.

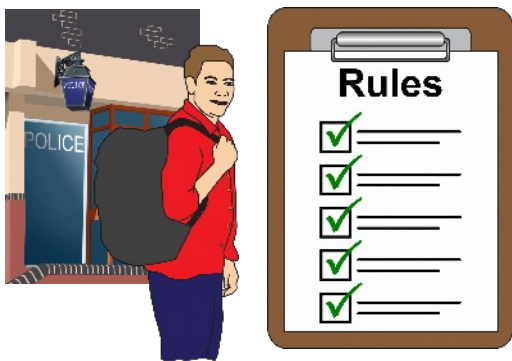


Sometimes a suspect is put in prison until the court can deal with their case.

This is called **remand**.



Police are worried about people they suspect of doing a crime being on the streets and doing another crime.



What the Review suggests

Only let a suspect leave the police station under bail.



The police and Crown Prosecution Service need to work out better ways to reach fair charging decisions.



When police have let someone go on bail and that person does another crime, the police should not be blamed for letting the person go on bail unless the police made a very bad decision.

Make lower courts stronger

Magistrates' courts (lower courts) are important for a fair criminal justice system.

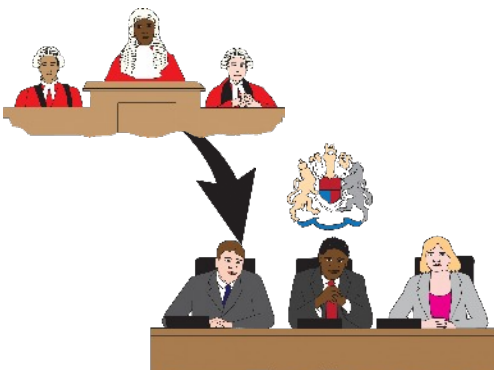
In England and Wales the magistrates' courts deal with 9 out of 10 criminal cases.



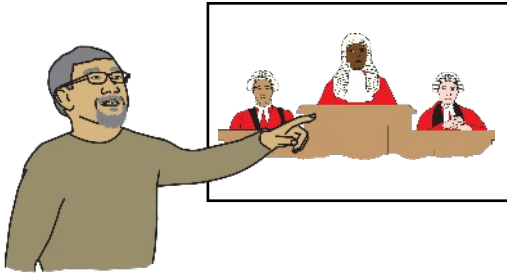
The magistrates' court is suited to deal with lower-level offences.



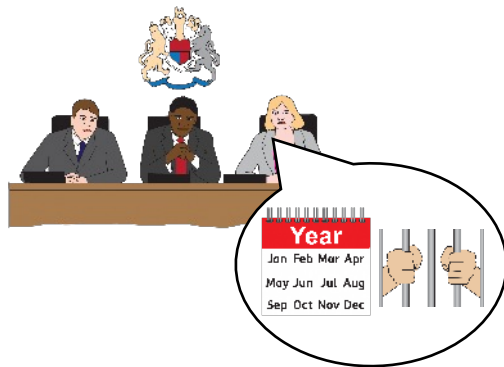
The magistrates' court could handle more serious cases.



Some cases that go to the Crown Court should stay in magistrates' courts instead.

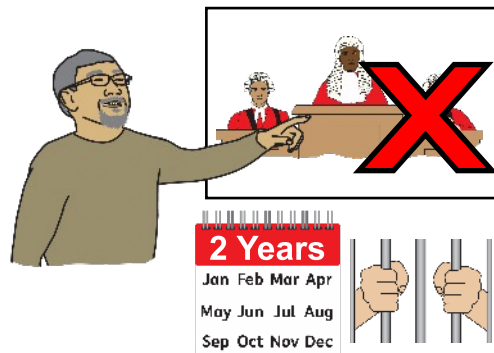


Some people who are charged with a crime choose to go to a Crown Court for their trial.



What the Review suggests

Magistrates should be able to sentence people for up to 12 months in prison.



If the crime is one with a sentence less than 2 years, the magistrates should choose if the trial should be in the Crown Court. The person charged should not choose.

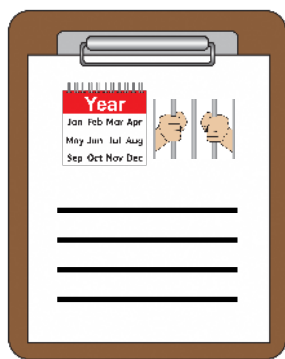


When someone says they are not guilty, they should first be asked if they want to have their trial in the Crown Court. If they say no, then the magistrates' court can decide if they will handle the case or send it to Crown Court.



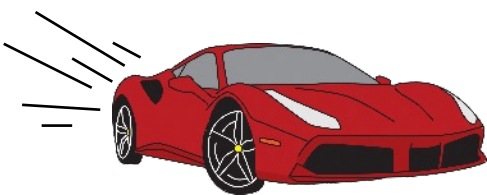
At the moment if someone has damaged property that is worth up to £5,000 they should be tried in the magistrates' courts.

The Review says that this should change so that if the damage is less than £10,000 they should have a trial in the magistrates' courts.



Review the lists of offences so **summary offences** have a maximum prison sentence of 12 months.

Summary offences are small offences like speeding and can only be dealt with in the magistrates' court.

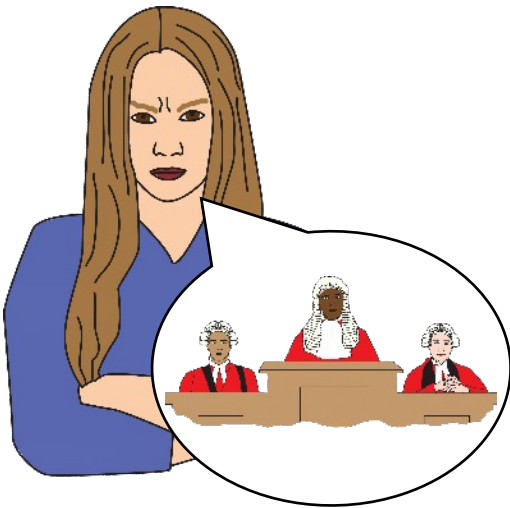


Record everything the judges, lawyers, witnesses and defendant say when the case is in magistrates' court and write down important parts if needed for appeals.



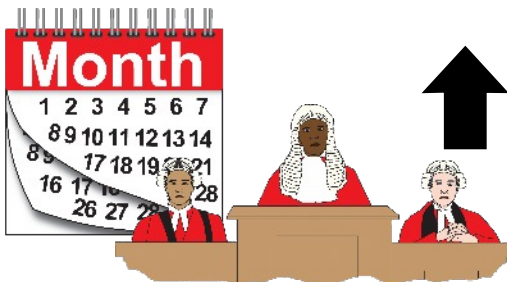
Make sure the amount of money a lawyer earns for doing a sentence hearing in court is fair.

Fix the appeals system



If you are not happy with the decision of a court you can **appeal** the decision.

Appeal is when a person who has been convicted of a crime asks another court to look at their conviction or sentence.



At the moment appeals are taking up a lot of the Crown Court's time.



What the Review suggests

People should not be allowed to appeal if they do not have a good reason.



If someone does have a good reason they should have a chance for a judge in the Crown Court to check that what the magistrates did was fair.



?

Get people to plead guilty earlier

When a case goes to the Crown Court there is a hearing that decides if the case needs a trial.



The **prosecution** must decide which charges to keep or drop.

Prosecution is about charging a person with a crime and showing evidence to the court to prove the person broke the law.



The defendant can plead guilty at any time.



If someone is going to admit that they did the crime, it is better that they tell the judge as soon as they can.



The number of guilty pleas has not dropped but they are happening later in the process.

This wastes the court's time.

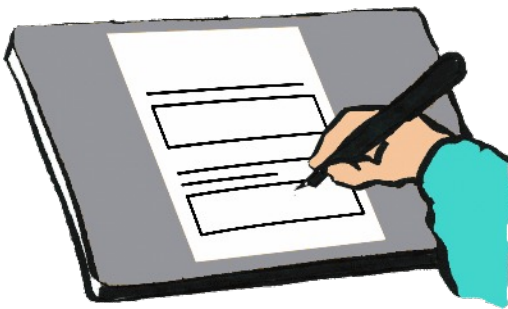


The way lawyers are paid for the work means that sometimes the lawyer does not look at the details until the last minute before the trial. This means they cannot give good advice about pleading guilty.

What the Review suggests



Give judges more power to speak up about the likely sentence a person will get if the person admits they did the crime.



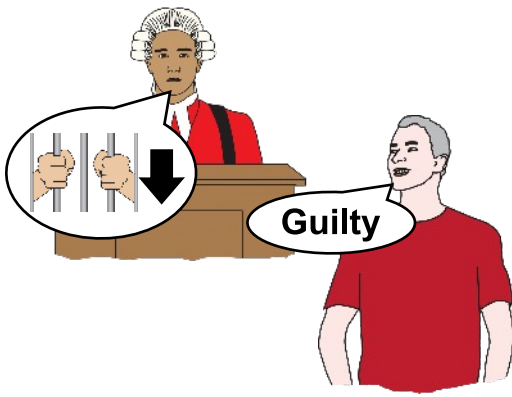
Add a question on the court paperwork to check that the defence lawyer has asked the defendant if they want to know the likely sentence if they admit they did the crime.



Make sure defence lawyers are paid properly for work they do to get ready for the Crown Court.



Try out a new way of starting the trial to decide if the first hearing should be delayed to check the parties have spoken to each other.



Give people a smaller sentence if they give a guilty plea at the first hearing.



Simplify the way lawyers get paid for work.



For cases that could be heard in either court, ask Parliament to make the rules about when a defendant can have help to pay for a lawyer in the magistrates' courts the same as in the Crown Court.

Create a new type of court



The Crown Court has a judge and a jury and hears criminal cases.



There are too many cases for the courts to cope with each year.

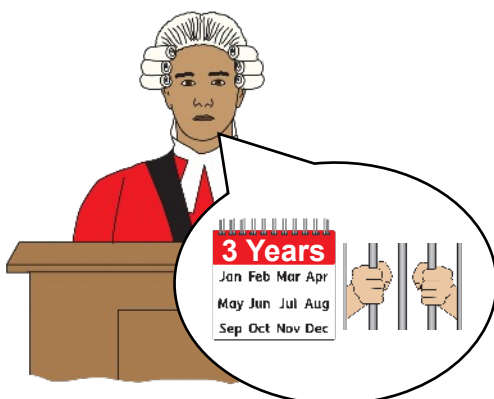
We need a change.



One idea is to set up a new part of the Crown Court called the **Crown Court (Bench Division)**. We will call it **CCBD** for short.



The CCBD will have a judge and 2 magistrates but no jury.

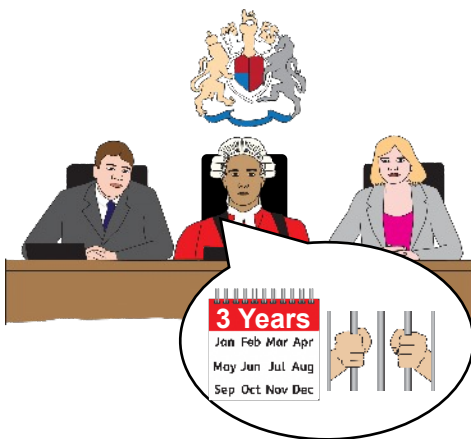


This court would handle medium-serious cases (up to 3 years in prison).



To make the new court work well the government will have to pay for more judges and more courtrooms.

What the Review suggests



Set up the Crown Court Bench Division or CCBD for cases where if convicted the sentence would be three years or less in prison.



The **Sentencing Council** will set up the rules for how a judge will choose if a case should be in the Bench Division or have a jury.

The **Sentencing Council** are a group of people in England and Wales that make the rules for judges to use when giving out sentences.



The CCBD will be able to give the same sentences as the Crown Court.



Any judge that currently can sit in the Crown Court will be allowed to sit in the new Crown Court Bench Division, as part of the Crown Court.



The government should pay more so that the courts will be able to hear more cases every year.



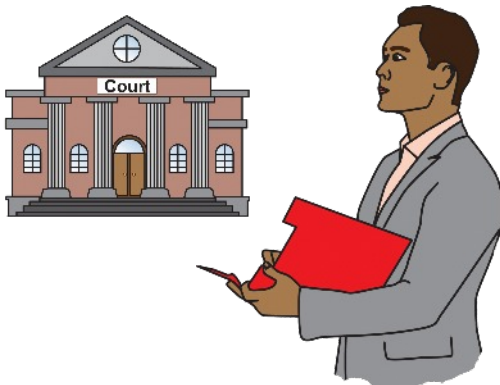
Lawyers who want to be judges apply to an organisation that checks whether they would be good judges. This is called the JAC.



The Review says that the JAC should try to hire more judges so that more cases can be heard.



The Lord Chancellor, who is the politician in charge of courts, should make sure more judges are hired for the magistrates' court and the Crown Court.



The organisation that has to make sure all the courts work properly is called HMCTS.



The Review says HMCTS should also help get more judges for the courts. Retired judges should be allowed to work part time as judges in some courts to help.



Judges sitting in the CCBD can be District Judges (Magistrates' Courts) and Deputy District Judges (Magistrates' Courts).



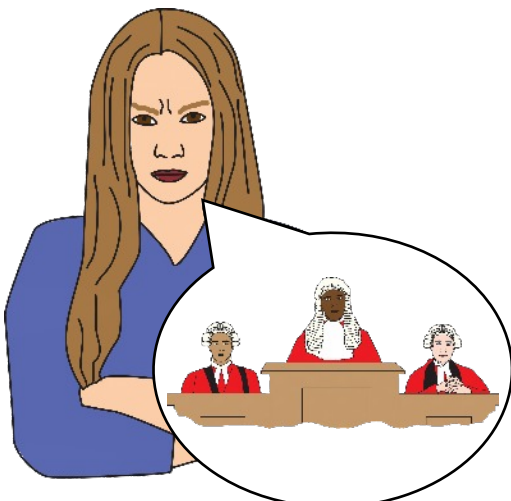
CCBD hearings can be heard in any available court building that is accessible and can record the trial.



Only people who can work in the Crown Court will work in the CCBD.



The Ministry of Justice is starting a programme to help pay for training new criminal lawyers because there are not enough.



The Crown Court Bench Division will have the same appeals system used by the Crown Court.

Let judges decide some cases without juries



Trials held with juries can be long. It makes life difficult for people on the jury because they have to go to court every day instead of doing what they normally do.

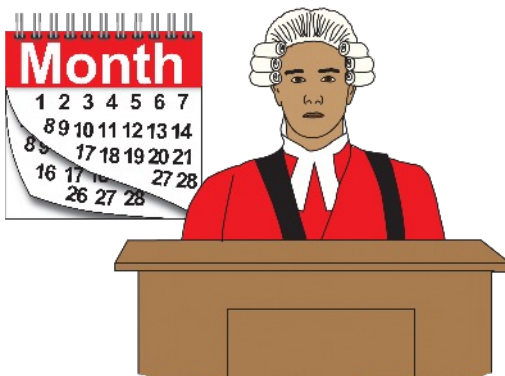


Sometimes it is better and faster to have a trial by judge alone.



What the Review suggests

Let defendants in the Crown Court ask to be tried by judge alone.



When the judge is deciding whether a trial should be by judge alone they should look at how long the case may run and how difficult it is likely to be.



There should always be a jury trial for cases of murder, serious sexual offences, and some terrorist offences.



If a case is going to be really long or complicated a judge may say the trial will be by a judge alone.

Conclusion



We think that the suggestions for change will save about 9,000 sitting days in the Crown Court each year.



Moving cases to the magistrates' court or the CCBD with no jury will mean juries are used for the most serious cases.

What the words mean

Appeal: when a person who has been convicted of a crime asks another court to look at their conviction or sentence.

Bail: a way police can let a suspect go while waiting for their trial. The suspect agrees to conditions like checking in with the police.

Charged: when you are accused of a crime.

Convicted: if the court finds you guilty of the crime.

Defendants: people accused of doing a crime.

Deferred Prosecution Scheme: the police give the defendant time to give back to their community.

Offence: something you do that breaks the law.

Out of Court Resolution: dealing with a crime without going to court.

Prosecutors: lawyers who try to show someone did a crime.

Prosecution: charging a person with a crime and showing evidence to the court that the person broke the law.

Recommendations: suggestions about how to do things.

Rehabilitation programmes: include counselling, education and medical treatment to help a person stop misusing drugs and alcohol.

Release Under Investigation or RUI: a suspect can be allowed to leave custody while police look into a crime.

Remand: when a person is kept in prison while they are waiting for a court trial.

Restorative justice: brings together people who have broken the law and their victims so they can talk about how the crime affected them.

Sentencing Council: a group of people in England and Wales that make the rules for judges to use when giving out sentences.

Sitting days: are the number of days that judges 'sit' in court each year to hear cases brought before them.

Summary offences: are small offences like speeding and can only be dealt with in the magistrates' court.

Suspect: a person the police think committed a crime.

Victims: people who have been hurt by a crime.

Witnesses: people who have seen a crime and can describe what happened.



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