

**Written evidence from Marc Jones, Police and Crime Commissioner for Lincolnshire.**

**This submission is made on behalf of Marc Jones, Police and Crime Commissioner for Lincolnshire.**

**The impact of Covid-19 on court sitting days and the backlog of cases, including whether the one-off additional funding and 4,500 additional days provided for 2020/21 is sufficient and staffing and recruitment issues;**

The PCC is concerned about the impact that the court backlog will have on victims of crime who will have to wait longer to know whether they will get justice. The delays and attrition rates also directly impact on victim services as they are supporting more victims for longer whose needs may well be greater because of the stresses caused by the court backlog at this time. There are further impacts on the Force and the wider Criminal Justice System as defendants will spend longer on remand/ in custody/ on bail. Ultimately, there is a risk that public confidence could be undermined.

**Practical experience of delay in Crown and other courts among lawyers, witnesses, victims and defendants and whether there is appropriate access to justice;**

The PCC contacted a number of local victim support service providers and asked for their practical experience of the delay. Their feedback is detailed below, in their own words.

ISVA

- Many victims are have emotions all over the place as they were ready for trial and now are just expected to wait with no future indication of when it will be.
- They feel very aggrieved that there has been no official news or official statement by the courts or CPS or police despite the victims asking.
- Suspects on remand (as they can only be kept for 6 months) are a concern as the victims are worried their perpetrator will be released now as the due dates comes round. In one case we literally found out today 19/08/2020 that the hearing to decide whether to release him or not was today despite being told this was 9<sup>th</sup> September. Suspect is now released on bail. No new trial date has been set. Client was previously a risk to herself and it is thought this will impact her mental health and increase that risk again.
- One witness is pregnant and worries her baby will be virtually due when she has to go rather than when it was arranged for (July) when she had only just got pregnant.
- One victim had her trial postponed last November due to another trial running over so she has experienced this twice now.
- Many victims are hearing of courts opening in other areas whilst Lincolnshire remains closed.

CHISVA

- There is a massive impact on both child victims of SV and that of their families. Although with support empowerment and resilience is built with the young people. The postponement has allowed for triggers of trauma and lack of closure for IP. With CJS process already being an extensive length of time. An example of one of my cases is before the COVID-19 situation, the young person had already to date waited 2yrs for his case to go to trial this September. This has now has been postponed with date pending/yet to be set. This has led to a loss in trust in the CJS system, and fear of his bravery of coming forward demised. He has described this as a constant black cloud in the background
- As the court process has huge delays, the OIC's often have no further news / updates as in general they too, can be waiting for developments relating to courts, this places pressure on the OIC's as clients repeatedly chase them up for `any news`.

### IDVA

- COVID has delayed the process from start to finish. This process is very draining and emotive for victims and leaves them feeling that they cannot move forward with their life due to an ongoing court case where perhaps they have moved on in all other aspects of their lives.
- Victims feel that the defendant has some sort of control still, they are aware that if they don't plead guilty at the first available time, that they are lengthening this process and in a victims eyes, prolonging the control and fear of the victim.
- At times, we have all had victims that have wanted to drop the case due to the time it has taken through court. It has been difficult to keep victims on board at times.
- It has also been questioned by victims 'is the crime against me not bad enough to deal with?' instilling some of those thoughts abusers have said to them about 'not being good enough' and feelings of low self-esteem.
- Victims have made reference to seeing other cases being dealt with in court through the papers and online and in their eyes their cases are not seen as that serious. I think professionals do need to understand that people who do not work in this arena do not know full processes and will come to conclusions as stated above.
- Professionally, the delays have caused a rise in case load and not being able to ensure all victims are supported as they should be at times, meaning we have had to close those who have had all safety put in place bar court and ensure referrals to outreach/WS and WCU are completed due to these cases being delayed by months. (if risk was imminent we would not be closing, risk assessments are completed on each case)
- From a civil route (county court) there have been huge delays in solicitors getting a date for court and then getting paperwork from the court to serve an offender, leaving victims with no protection for a period of time.
- I am aware this week of a victim who has put in a DIY non molestation order due to CPS not putting one in when it was dealt with and will not have the opportunity to get a hearing until a week later, leaving her with no protection in the interim. It is truly shocking.

- The only positive I can see during this time is that due to COVID when victims have to attend for trial, they are advised that special measures are more likely to be agreed including video link to reduce fears and anxiety of being in the same room.
- I do not feel the court take into consideration the impact it can have on victims, not only are they dealing with the trauma of the abuse, the fear of the pending court case and not knowing the result but also the impact of COVID 19 personally on them as individuals.
- I am aware that CPS were reviewing cases and liaising with defence lawyers to see if they can get a plea bargain on cases to avoid delays and trials mounting up, however, there is still a massive impact on victims.

#### Witness Service (CAB)

As far as delays are concerned, witnesses, particularly those in complex and sensitive cases, are less willing to engage if their cases are delayed. The solution at the moment seems to be to double list cases. However this in itself causes issues in that one case gets heard and the other doesn't. This causes further traumatising and delay to the witnesses in the case that doesn't get heard.

#### Witness Care Unit

On average each Witness Care Officer (WCO) currently holds 350 cases (the usual caseload is 180).

Witness Care are currently able to manage workloads as no courts are sitting. The team are contacting victims and witnesses regularly; but mainly when there is an adjournment or update from the court and are setting that as an expectation at the outset. The impact on the WCU remains highly dependent on the HMCTS recovery plan and extra resource is likely to be required in the coming months. This will be a particular issue if the court were to start Saturday courts, etc.

Witness care officers are currently required to ask a number of additional questions in relation to COVID-19 2 weeks before the case is heard, which adds additional time when contacting each witness.

The team are seeing increased levels of uncertainty from victims and witnesses and members of the public are expressing their concern at the length of time the process is taking. The longer this continues the higher the risk is likely to be.

#### **The extent to which courts have appropriate capacity post-Covid-19, including the extent to which courtrooms are idle across England and Wales;**

The current status of Lincolnshire courts is as follows:

Lincoln Magistrates' Court	Open
Lincoln Magistrates' Court	Open
Lincoln Crown Court	Temporarily closed
Boston Magistrates Court	Temporarily closed
Boston County Court and Family Court	Temporarily closed

Due to the age of Lincoln Crown Court it has proven difficult to adapt the Court to make it safe to re-open. Jury Trials are unlikely to take place at Lincoln Crown Court until October 2020, which will further increase the backlog of cases. Regionally a plan is being developed to hear Lincolnshire trials in Leicestershire and Nottinghamshire courts, but details of this are yet to be finalised.

A limited number of Magistrates cases continue in Lincoln Magistrates Court; with many being adjourned. Cases with Custody Time Limits (CTLs) attached continue to be heard, along with some Domestic Abuse (DA) cases. From the 4th of December, it is likely that Offenders will be appearing at court (albeit slots will be reduced in order to maintain social distancing).

There are currently no Nightingale Courts in Lincolnshire, the closest being the Knights Chamber, Peterborough Cathedral. The PCC is in discussion with the Magistrates Court to identify potential suitable venues locally.

September 2020