

Written evidence submitted by Office of the Durham Police and Crime Commissioner (CCB0010)

Progress Addressing Backlogs

1. Despite being a comparatively high performing area in terms of criminal justice outcomes, there is national recognition that current court waiting lists are at an unprecedented level resulting in issues for both the criminal justice agencies and those seeking to support the individuals who become involved in the process. The Durham and Darlington LCJB, which I chair, requested that a task and finish group be set up to explore potential opportunities to improve the local situation and provide a collective response to advocate for change on a national basis. The purpose of the group is to share knowledge and review practice across partners in order to:
 - confirm what we already do well and explore any opportunities to further develop where appropriate.
 - explore potential opportunities which could make short term improvements to those victims of crime attending or awaiting a court hearing.
 - develop a collective options response to be shared at a national level by the board.
2. There are numerous local initiatives taking place including changes to the local prison estate to support speedy remand hearings, review of listing practices and support pathways, timeliness from first hearing to court, engagement with the defence and encouraging organisational impact assessments and Victim Impact Assessments as a starting point before any changes to process etc are made.
3. In recent discussions with our previous resident Judge a suggestion was made by him regarding the piloting of a model in Durham which he predicted would improve the flow of domestic abuse cases through the Crown Court and thereby positively impacting on court waiting lists for Class 3 Domestic Abuse cases. This would require an additional court room and Judge to staff but would focus on Class 3 Domestic Abuse Cases, enabling the Resident Judge at Durham Crown Court to focus on and more swiftly progressing other cases including Class 2 cases of Rape and Serious Sexual Offences (RASSO).
4. Whilst we are exploring both marginal gains and initiatives such as the above with partners it would be good to have the opportunity of working more closely with the national criminal justice board to share best practice and opportunities more widely.

Workforce issues:

5. Although in comparison to other regions, the backlog in Durham is not as stark, it is still in a situation whereby some victims of rape committed years previously, are being told their respective cases are being listed for December 2025 and March 2026. It is claimed that more defendants are deliberately pleading not guilty in the hope that victims will withdraw rather than having their lives 'on hold' waiting for trial. Delay means:
 - compliance with the Victims' Code of Practice requirements is placed on other agencies for longer periods.

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- victim support agencies carry client caseloads for longer. It often requires more support and intervention to prevent the victim giving up on justice.
- backlogs to access victim support services become greater.
- some victims will continue to decline pre-trial therapy, fearful of disclosure negatively impacting on their case.
- the chances of a victim being represented by the same CPS solicitor or barrister diminishes.
- there is less flexibility in the prison estate.
- additional costs to criminal justice agencies and commissioned support services.
- life and career are on hold placing a strain on relationships, potential financial and family impact.

Impact on victims, witnesses and defendant

6. Delay is re-traumatising victims, unable to cope with the delay, unable to recover, and unable to contemplate moving on with their lives until the case is over. The potential for attrition is huge and it is only a combination of the skill of victim support services and the will of victims not to allow the perpetrator to harm someone else, which keeps them engaged in the criminal justice process. We need a system to fast-track such cases.
7. In November 2024, my Victims' Champion had two referrals from ISVAs who were supporting rape victims. Their cases are listed for December 2025 and March 2026, one has attempted to take her own life on three occasions which the delay has contributed to; the other is self-harming and wracked with guilt for not coming forward sooner, feeling responsible that there are other victims.
8. As the below quotations from local victims suggest, we are currently far from providing them access to a justice system that is quick, thorough and caring.
 - "Courts are like airports. They overbook cases. It's insensitive".
 - "I felt very positive about all this when the police were involved. I was in contact all the time. But when it was in the court's hands.... The constant changes [to dates] made me give up hope".
 - "It should have been over, but it isn't. It made me feel so small, saying 'we don't have time for you', after so long".
 - "I feel cheated out of justice".
 - "There was many a time I just wanted to drop it. If it had not been for ISVA support, I would have done".
 - "I was in limbo for 6 months. I felt powerless. I wanted to walk away from the case as I was struggling to see an end in sight".
 - "Multiple re-listing and re-scheduling was debilitating".

Oversight and planning across the courts system

9. Oversight would be best achieved by re-introducing an HMCTS Inspectorate. All other criminal justice agencies have one and are obliged to implement recommendations of

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their respective Inspectorate, responding within 56 days. I would proffer that if an Inspectorate had been in existence the HMCTS would not have the delay problem at such a scale. Regular inspections 'hold a mirror up' to service failings and advise on remedy. An HMCTS Inspectorate, in conjunction with other criminal justice agency inspectorates would allow a truly full cross-system inspection which is not in place at the present time. For instance, this could identify delays elsewhere in the system which are adding to Crown Court delays.

10. A robust and accountable LCJB gives partnership agency oversight of Crown Court performance but improved links between the local and national boards would assist with improvements.
11. HMCTS should adopt the concept of Victim Impact Assessments and test on policies and processes, e.g. listing practices.