

## Document 4/ Seminar 4

### Q1.

Criminal courts **experience** a significant backlog of cases (77 K). It means defendants and victims have to wait for a long time before the trial takes place.

### Q2.

A report was written by Sir Brian Leveson, stating recommendations to solve the issue.

### Q3.

The main proposal of that report aims at speeding up the process **hence** reducing the backlog. Certain cases such as fraud and bribery, **considered minor crimes**, should be tried by only a judge, (not a jury). A new division of the Crown Court would handle these less serious offenses, involving only 2 magistrates and a judge. The judge would encourage the accused to admit their crimes « asap, at first opportunity », plead guilty, so as to benefit from sentence reductions. That would **in turn** minimize requests to appeal (and reduce the backlog). More serious cases would then be the only cases to be tried by juries.

### Q4.

- Some offences should be reviewed and considered differently (sentence reduction).
- The new division of the Crown Court would focus on theft, burglary and fraud.
- More out-of-court resolutions should be envisaged, especially for first time offenders, as well as the use of cautions and conditional cautions

#### Cautions

Cautions are given to anyone aged 10 or over for minor crimes - for example writing graffiti on a bus shelter. You have to admit an offence and agree to be cautioned. You can be arrested and charged if you do not agree. A caution is not a criminal conviction, but it could be used as evidence of bad character if you go to court for another crime.

#### Conditional cautions

You have to stick to certain rules and restrictions as part of a conditional caution, for example:

- going for treatment for drug abuse
- fixing damage to a property

You could be charged with a crime if you do not stick to the conditions.

- The right to elect trial should be **repealed** when the maximum sentence is 2 years imprisonment. The type of case concerned would then be known as summary only cases.
- Summary only cases involving criminal damage would rise from £5K to £10K.
- Sentence reduction will be granted to 40 % of guilty pleas at first opportunity.
- Judge-alone trials will also apply to most complex cases or if requested by the defendant.

### Q5.

The backlog is unacceptable. People have a right for fair trials without waiting for years. There are too many cases, so the way they are approached/considered must change, so as to reduce the load. The system must be reformed before it crashes.

### Q.6

- a. Right – line 30
- b. Wrong – line 31
- c. Right – line 31-32
- d. Right – line 32-33

### Q7.

Yes. « Not all lawyers agree with the suggested changes however ».

**Q8.**

The Magistrates' Association and the Metropolitan, London Police Commissioner, Sir Mark Rowley, agree.

**Q9.**

More than 100 cases will be tried in 2029. Therefore the average waiting time for trial currently is 4-5 years (2025-2029).