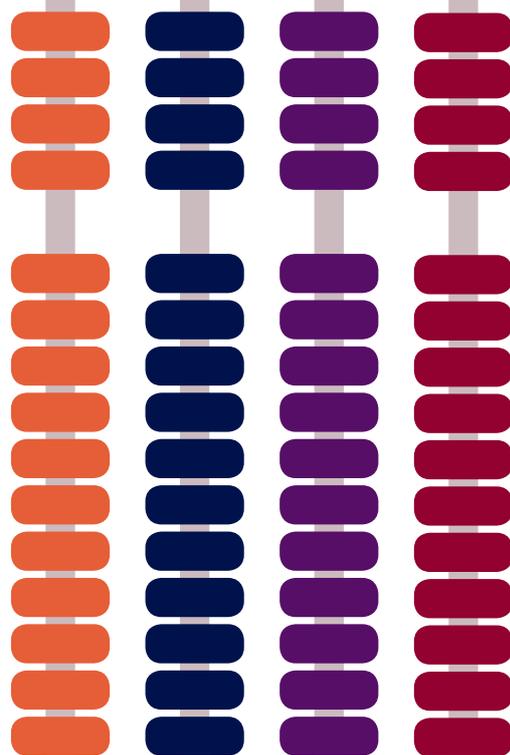


Summing up:

a strategic audit of the
criminal justice system





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Executive summary

Over the past 15 years, the level of crime in England and Wales has fallen. However, victimisation remains a common reality – there are at least 9.5 million crimes every year.

This audit looks at the performance of the principal justice agencies through the eyes of the victims and witnesses who use them. There are many aspects of our justice system that are very positive – for example, the fall in crime and anxiety, and rise in public confidence – but this audit shows that despite these changes, victims and witnesses are still not treated as well as they should be.

Victimisation remains a common reality for many – one in five are victimised every year – and is clustered around specific groups, such as young people and those living in deprived areas.

The justice system gets less than 5% of government spending and less than 1p in every £1 of the Ministry of Justice (MoJ) budget is spent on victims and witnesses directly. This low level of funding does not reflect a low level of need: more than one in five victims wants some form of support, but at least three out of ten do not get the support they need.

The public has very low confidence in how the criminal justice system (CJS) treats victims: just over a third (36%) of the general public feel that the CJS meets the

needs of victims. Moreover, victims in particular are less satisfied with the justice system and have a poorer opinion of the police than non-victims, suggesting that interaction with the CJS actually reduces rather than improves confidence.

However, contact with Victim Support can help reverse this situation. New research shows that those who have had contact with Victim Support have more confidence in the CJS, are more likely to think that the police do an excellent job, have a greater satisfaction with the police's handling of their case and greater trust in the fairness of the CJS.

Unfortunately, access to victims' services is predominantly through the police, yet less than half of victims report the crime to the police. Moreover, the police response to victims of crime varies considerably depending on where they live. Referral to support services ranges from 20% to 100%, and those living in London are less than half as likely to recall being given the opportunity to make a victim personal statement (VPS) than those living in Northumbria.



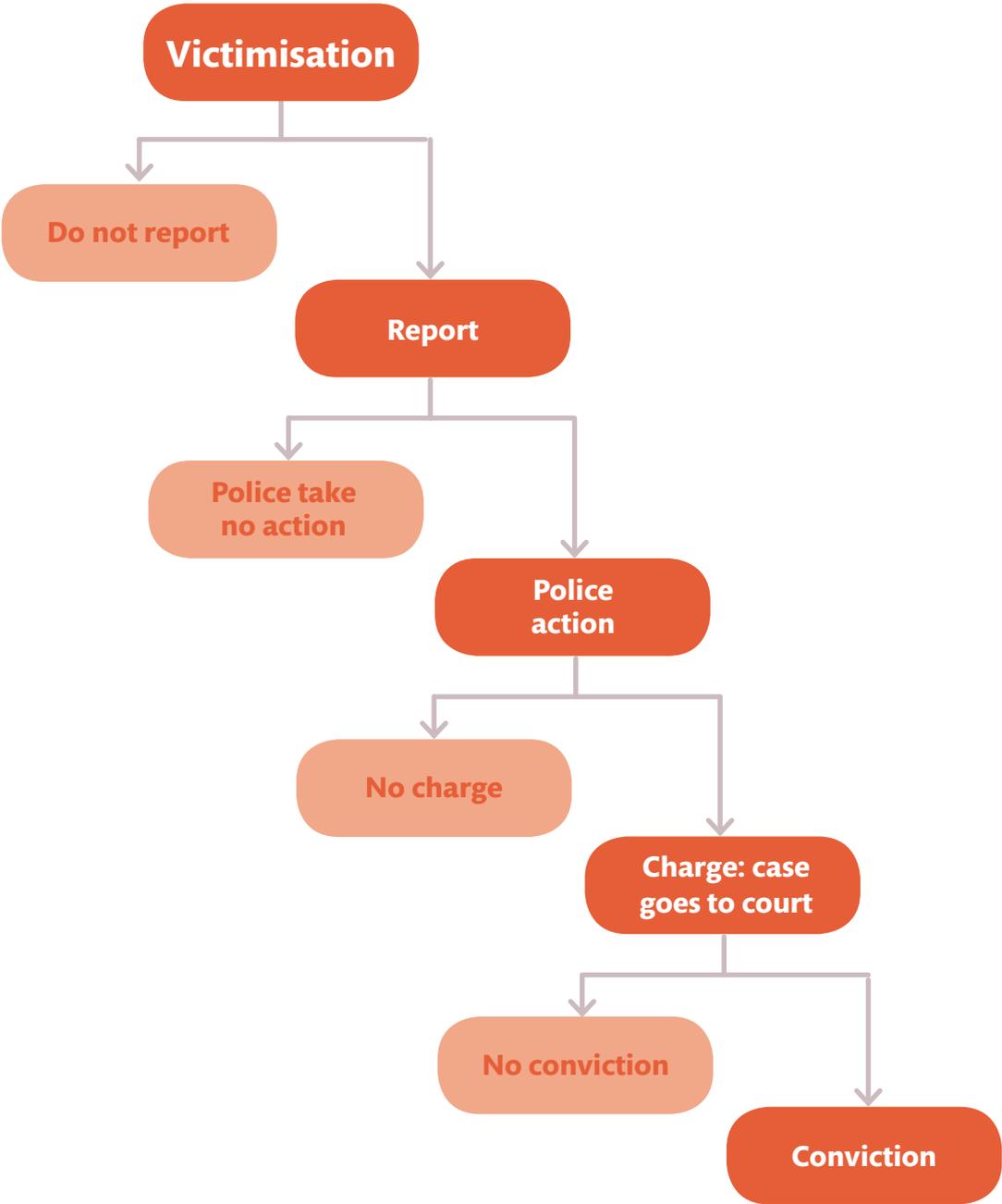
The situation in the courts is not much better. There are over 200,000 trials every year in Crown and magistrates' courts alone, and over half a million witnesses were called to these courts last year. However, waiting times are long and have shown little improvement since 2005. A significant number of trials do not go ahead as planned and there is a large regional variation in trial outcomes, with some evidence of a north-south divide.

Less than half of the general public feel that the CJS is effective in bringing people who commit crimes to justice. This is perhaps unsurprising considering that only a minority of offences are brought to justice and reoffending is stubbornly high. Court-ordered compensation is low, while the criminal injuries compensation system is underperforming. However, one form of reparation, restorative justice (RJ), is promising. RJ shows high victim (and offender) satisfaction, but suffers from poor funding and no strategy from central government.

Victim support groups including Victim Support have a key role to play and the support they offer also helps other criminal justice agencies. But meeting victims' needs cannot be just our responsibility. We hope that criminal justice agencies and others will come together to focus their ambitions more strongly on improving the experiences of victims and witnesses and strengthening their voices.



Victims' pathway after a crime



Introduction

Is the criminal justice system meeting the needs of victims and witnesses?

Too often, discussions of the CJS centre on the experiences and outcomes of offenders without asking the important question of how victims and witnesses are being treated. Crime can be a traumatic, life-changing event both for those who are victimised and those who witness it. Our justice system should put that right. But all too often, victims and witnesses who come into contact with the system say they are dissatisfied and lose confidence.

Criminal justice is not simple. It involves many disjointed organisations, sometimes with competing ambitions. For every step in the path after victimisation, there is the risk of services failing to meet the needs of victims. Throughout this audit, we find that this risk is all too often realised. Our ambition at Victim Support is to make sure that no one falls through the gap, no one is isolated or ignored, marginalised or re-victimised by a poor justice sector.

This audit looks at the performance of the main criminal justice agencies through the eyes of the victims and witnesses who use them. It highlights the successes and failures of the justice services, drawing on findings from large-scale surveys such as the British Crime Survey and the Witness and Victim Experience Survey. Though it is indisputable

that the personal stories of victims and witnesses are invaluable (and we try to hear from as many people as we can), in this audit we turn to the high-level data to tell us about our collective experiences nationally and locally. We also look to the future and set out our ambitions for the justice sector.

This audit is the first in a series of research reports from Victim Support highlighting the experiences of victims and witnesses in England and Wales. These reports will provide a strong evidence base for decision-makers and strengthen the voice of victims and witnesses.

To join our important and ongoing discussion on the experiences of victims and witnesses, visit us at www.victimsupport.org.uk/policy.

Javed Khan
Chief Executive



1. Overview: crime

Over the long term, crime has been falling...

There are more than nine and a half million crimes every year. Though the level of crime has fallen since 1995, it has not been a smooth decline – the rate of change has stagnated somewhat over the past five years, and between 2005-2007 this number actually rose.¹

This fall in crime has not been equal across all types of crime. Vehicle-related theft plummeted nearly 50% more than crime overall, partly due to significant technological advances.²

...but victimisation remains a common reality

The likelihood of victimisation has also fallen since the mid-90s but victimisation remains a common reality for many people at some point in their lifetime – at least one in five were victims of crime in 2009/10 (figure 1).³

The likelihood of victimisation varies a lot depending on who you are, where you live and how you spend your time. Though men are slightly more at risk of being victimised than women, this variation is small compared to that across age groups. Young people (16–24 year olds) have the highest risk of victimisation and are twice as likely to become victims as 55–64 year olds (figure 2).⁴

Many personal characteristics can affect the risk of victimisation. Living in a deprived, urban or disordered area increases this risk, as does living in rented accommodation (especially socially rented)

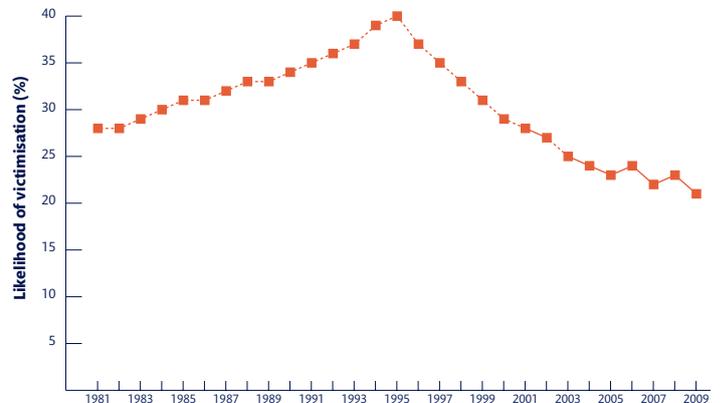


Figure 1: Likelihood of victimisation from 1981 to 2010
Source: Flatley (2010); refers to British Crime Survey 2009/10

rather than living in owner-occupied homes. Having access to a car (or other motor vehicle) is associated with a higher risk of victimisation – this is perhaps unsurprising as those without a car cannot be victims of car crime. How someone spends their time is also a factor affecting their risk: for example, those who regularly go to clubs and bars have a higher risk than those who don't.⁵

Police interaction is also an indicator of someone's risk of victimisation: people who have previously been stopped by police in the past year were considerably more likely to be victims of crime than those who hadn't.⁶

Conversely, some factors are not associated with the risk of victimisation. When other aspects are taken into account (such as where you live and how old you are), ethnicity does not affect this risk.⁷

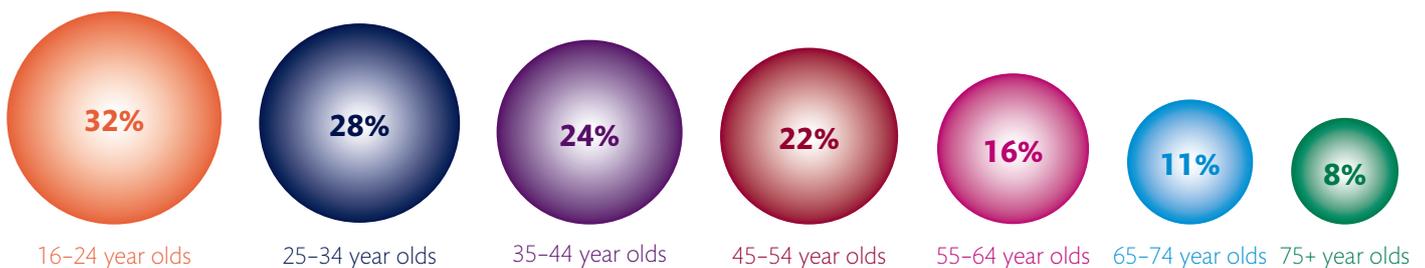


Figure 2: Likelihood of victimisation by age group
Source: Flatley (2010); refers to British Crime Survey 2009/10

9,587,000
Total estimated number of offences in 2009/2010

21.5%
Likelihood of victimisation for adults (England and Wales)

2 out of 3
Feel that crime has increased nationally

£34,000,000,000
Total estimated impact of personal and household crime in 2009/2010

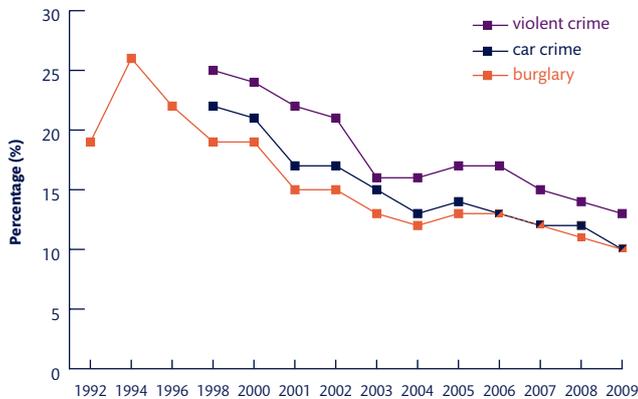


Figure 3: Worry about crime from 1992 to 2010
Source: Flatley (2010); refers to British Crime Survey 2009/10

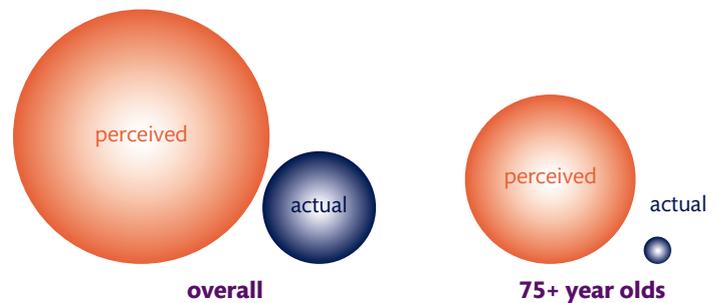


Figure 4: Actual and perceived risk of violent crime by age group
Source: Flatley (2010); refers to British Crime Survey 2009/10

When we put all of these factors together, we find a startling difference in the risk of victimisation between different groups. A young man who goes clubbing, owns a car, lives in social accommodation in a deprived and disordered urban area and has previously been stopped by the police has a 60% risk. An older woman who does not go clubbing or own a car, lives in her own home in a rural area that is not deprived or disordered, and has not been stopped by the police has a 3% risk.⁸

Public anxieties have fallen...

Over the last decade, public anxiety about crime has fallen with the crime rate – worry about violent crime and car crime both halved between 1998-2009. However, more than one in ten people still feel very worried about violent crime and only slightly fewer are concerned about burglary and car crime (figure 3).⁹

...but the public still feel that crime is increasing and are concerned

Crime is consistently seen as one of the top five important issues facing Britain, and is talked about more than sport, politics or the economy, even in a time of recession.¹⁰

Most members of the public feel that the level of crime is rising. Two out of three adults feel that crime has increased nationally while around one in three believes it has increased locally. Different age groups perceive this differently: young people are more likely to say that crime has increased locally, while older groups are more likely to believe that crime has increased at a national level.¹¹

Although fewer people now believe that crime is increasing compared to those who did so in the past, many still feel that they are likely to be a victim of crime. Around one in six adults feels that they are likely to be a victim of violent crime and this figure rises to one in five for car crime.

The degree to which people feel they are likely to become victims is much higher than the actual risk. In fact, this perceived likelihood of victimisation is on average five times higher than the actual risk. This amplified perception rises with age and is highest for the elderly: perceived risk is nearly 40 times higher than actual risk for those over 75 (figure 4).¹²

2. Victims' needs

Criminal justice accounts for a small proportion of government spending

In 2009/10, the UK Government spent £669bn. The Ministry of Justice and Home Office each received around £11bn.¹³ This means that government spends around £10,000 per person every year, of which only £350 goes to the Home Office and Ministry of Justice combined.

The Department for Work and Pensions received 25% of the government's total spend and Department of Health a further 20%. However, the combined budgets of the Ministry of Justice and Home Office is less than 3.5% of the Government's total spend.¹⁴ In other words, one in every four taxpayer pounds goes to the Department for Work and Pensions, and one in five goes to the Department of Health – while you would need to hand over a whopping £60 in taxes before £1 goes to the Ministry of Justice (figure 5).

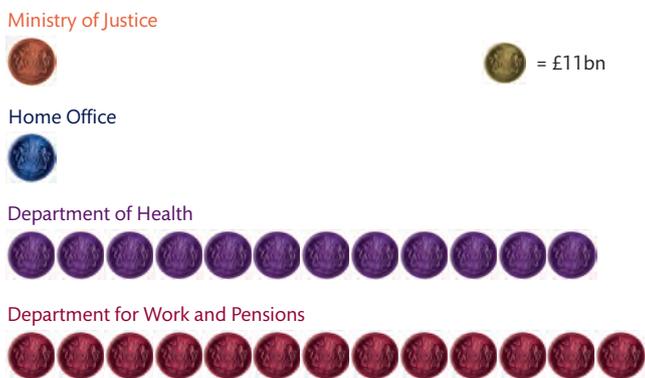


Figure 5: Spend by selected government departments, 2009/10
Source: Public Expenditure Statistical Analyses, HM Treasury

Furthermore, less than 1p in every £1 of the Ministry of Justice budget is spent on victims and witnesses directly (figure 7, opposite).

No matter who you are or what the crime, victimisation can have significant emotional and practical effect

Analysis of the 2002/03 British Crime Survey by the Institute of Public Policy Research shows that 13% of victims experienced a loss of confidence after the crime, with this number rising to 26% for burglary victims. Of this group in particular, over a fifth had trouble sleeping due to the crime and more than one in ten suffered from depression. For victims of wounding, this proportion rises to just under one in five.¹⁵

As well as these serious emotional and psychological effects, crime can also have a direct practical impact through lost earnings, moving home or avoiding certain places. For example, nearly one in 20 burglary victims moved home because of the crime.¹⁶

Though it is difficult to put a price on these effects, we have built on Home Office research to provide an up-to-date estimate of the cost of crime. We estimate that the total cost of crime against individuals and households was at least £34bn in 2009/10.¹⁷ This is over three times the amount spent by the Ministry of Justice (figure 6).

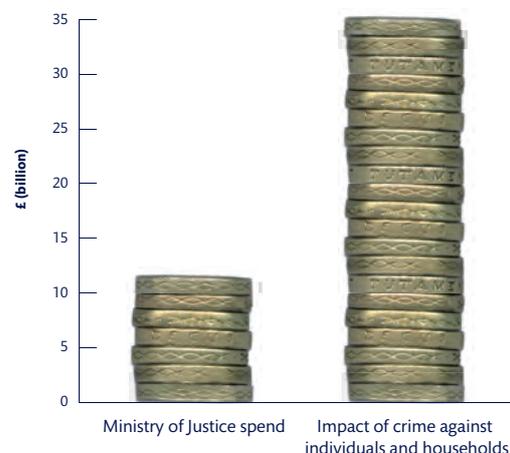


Figure 6: Spend by the Ministry of Justice and the cost of crime, 2009/10
Source: Ministry of Justice resource accounts; Victim Support analysis based on Home Office online report 30/05 (2005); this estimate of the cost of crime should be used as indicative only

£ 11,000,000,000

Total spend by Ministry of Justice in 2009/2010

3.5% MoJ and Home Office

proportion of total government spend

3 out of 10

need support and are not offered it

less than 1p in every £

MoJ spend goes to victim services

Many victims would like some form of support...

In more than one in five crimes, the victim wants some form of support from the CJS. This need varies considerably depending on the type of crime and is highest for victims of sexual offences – half wanted some form of support compared to approximately one in three victims of burglary and just over one in four victims of assault.¹⁸

Protection and information are the most commonly sought after types of support, though this varies depending on the crime. Victims of sexual offences are more likely to want support than any other provision while burglary victims are more likely to want information from the police.¹⁹

The need for support also varies depending on gender and ethnicity: women are more likely than men to want support, and those belonging to Asian and black ethnic categories are more likely to want support than those of white ethnicity.²⁰

...but not everyone gets the support they need

Of those whose cases reached court and required emotional support, three out of ten were not offered it.²¹ Victim Support is working to make sure that those who did not receive support do so in the future. For the wider victim group (including the majority whose cases do not reach court), it is likely that the proportion with unmet needs is even higher.

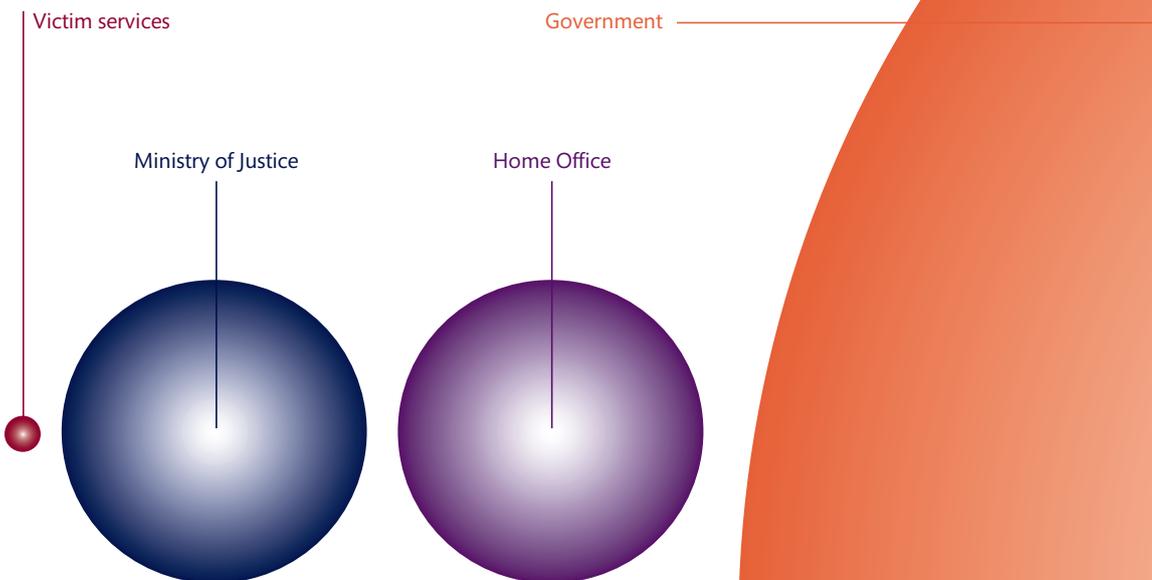


Figure 7: Relative spend on areas of justice, 2009/10
Source: Public Expenditure Statistical Analyses, HM Treasury; Victim Support annual report

3. Public opinion

Public confidence in the CJS is poor, but increasing...

Confidence in the CJS is poor – only four in ten feel that the system as a whole is effective (figure 8) while a slightly higher proportion (six in ten) are confident that it is fair. However, confidence has been growing over the last decade.²²

Four in ten feel that the CJS as a whole is effective

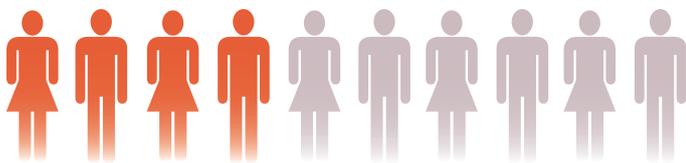


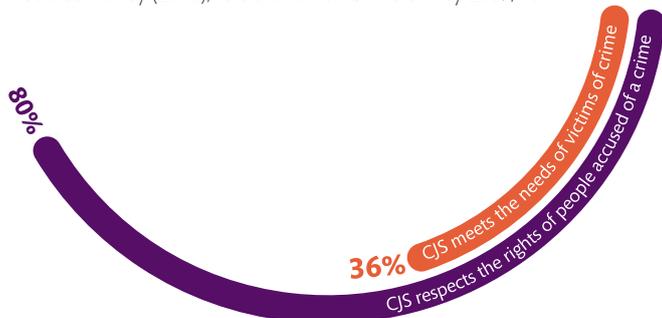
Figure 8: Public opinion on the effectiveness of the CJS
Source: Flatley (2010); refers to British Crime Survey 2009/10

...while the public feel that victims' needs are not met by the CJS

While the vast majority of the public feel that the CJS respects the rights of people accused of committing a crime, only about a third feel that it meets the needs of victims of crime (figure 9).²³

Although these two measurements look at different aspects of CJS performance, the stark difference in opinion indicates that the public feel that the CJS responds to the accused better than it does to victims.

Figure 9: Public opinion on victims' needs & the rights of offenders
Source: Flatley (2010); refers to British Crime Survey 2009/10



The public are more positive about the treatment received by witnesses – over two-thirds feel that witnesses are treated well. However, less than half feel that the CJS deals with cases promptly and efficiently.²⁴

Victims in particular are dissatisfied with the CJS and lose confidence

There are considerable variations in levels of confidence in the CJS depending on your age, social group and experiences.

Victims in particular have less confidence in the system than those who have not recently experienced crime. Moreover, for every element of the CJS, victims of crime are more dissatisfied than non-victims and this difference is most pronounced for the police.²⁵ While only 48% of victims feel the police are doing a good or excellent job, 59% of



Figure 10: Confidence in the CJS by demographic and socio-economic characteristics
Source: Smith (2010); refers to British Crime Survey 2007/08



non-victims feel this way. This suggests that those who actually need and use the services are the most dissatisfied with them.

However, for victims who have had contact with Victim Support, there is a very different picture. New research using the British Crime Survey shows that those that have had contact with Victim Support tend to have a better opinion of the CJS.²⁶ Those who have had contact with Victim Support are:

- **36% more likely to say that the police are doing a good or excellent job than those who have not had contact with Victim Support**
- **30% more likely to say that they are confident in the CJS than those who have not had contact with Victim Support**

They also have a greater satisfaction with the police's handling of their case, and greater trust in the fairness of the CJS.

4. The police: response to victims

Most crimes go unreported...

Though there are an estimated nine and a half million crimes every year, fewer than half of these (4.3m) are reported to the police. This level of reporting (43%) has changed little over the past decade.²⁷

The level of reporting varies considerably for different crime types – while only a quarter of pick pocketing incidents are reported, nearly all burglaries are (this may be connected with insurance claims) (figure 12).²⁸

There are many reasons for non-reporting, but three out of four victims who did not report a crime give one of the following reasons: the crime was ‘too trivial’; had no loss; the police would not have been interested or police could not do anything; or the attempted offence was unsuccessful.²⁹

According to the British Crime Survey, inconvenience is not seen as a main factor for non-reporting – only 6% said it was inconvenient to report and the same proportion reported to other authorities.³⁰

The reasons for non-reporting vary between victims of different crime types. For violent crimes, over a third of victims did not report it because it was a private matter and/or they dealt with it themselves, while less than one in ten victims of vandalism felt this way.³¹

...and only a minority of reported crimes are detected

Of the nine and a half million estimated crimes every year, only one in eight are detected.³² That is perhaps unsurprising when most of the crimes are unreported.

However, of those crimes that are reported to the police, less than one in three are detected (figure 11).³³

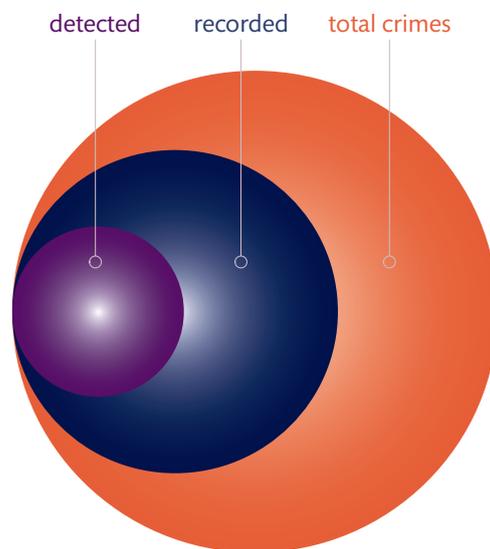


Figure 11: Proportion of crimes that are reported and detected, 2009/10
Source: Flatley (2010); Ministry of Justice (2010), Criminal Statistics: England and Wales 2009

Figure 12 (below): Likelihood of reporting a crime by crime type, 2009/10
Source: Flatley (2010); refers to British Crime Survey 2009/10



 **4,338,604**
crimes reported to the
police in 2009/10

43%
of all crimes are
reported to the police

 **44%**
of victims recall being
offered the VPS

 **140,000**
number of police officers
in England and Wales

Local police attitudes to victims of crime vary a lot

For those victims who chose to report the crime, the police are often the first port of call. It is the responsibility of the local police to keep victims informed until the case is closed or until the victims no longer need further information or support.

Because of their potential role, support for victims is heavily affected by the response of the local police force. As there is no clear indicator of the time that the police spend on victim care, we need to use alternative measures to understand police attitudes to victims. Two elements of the police response can give us an idea of the attitude of local police towards victims: referrals to relevant support services; and opportunities to make a victim personal statement (VPS).

Though Victim Support has strong links with local police forces, the degree to which the police forces facilitate support services varies widely from area to area. While some forces refer all recorded crimes (for which support services are appropriate) to Victim Support, others refer as few as one in five.³⁴

The offer of VPS is poor

At any time between reporting a crime to the police and the case going to court, the victim can choose to make a VPS. The VPS enables the victim to have their voice heard and formally tell the authorities about the effect that the crime has had on their life. The VPS is not meant to dictate sentences, but give the victim a voice.

The police are responsible for offering victims the opportunity to make a statement, but they are not required to do so by law. In fact, VPSs do not even get mentioned in the Government's primary document setting out the services that victims can expect, *The code of practice for victims of crime* (2005).³⁵

The actual situation on the ground is poor – **of those whose cases reach court, less than half recall being offered the opportunity to make a VPS.** Moreover, of those who did make a VPS, only two-thirds felt it was taken into account (figure 13).³⁶

Furthermore, the likelihood of being given the chance to make a VPS varies considerably across England and Wales. For example, victims living in London were less than half as likely to be offered it as those living in Northumbria. The likelihood of the victim feeling that the VPS is taken into account also varies considerably across regions.³⁷

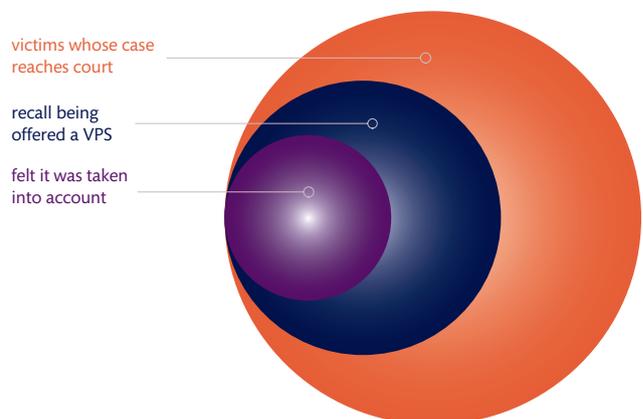
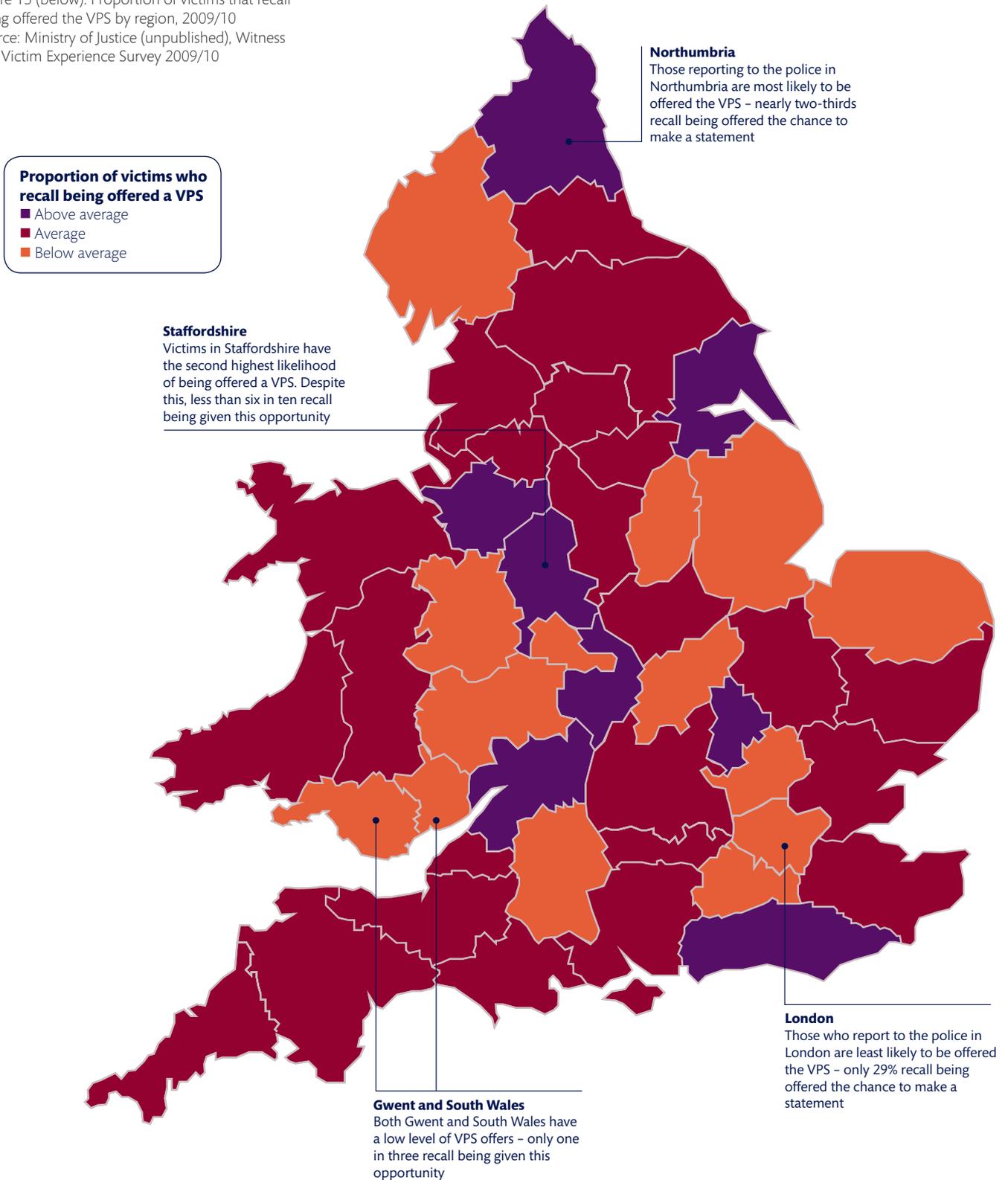


Figure 13: Experience of victim personal statements
Source: Ministry of Justice (unpublished), Witness and Victim Experience Survey 2009/10



Figure 14 (above): Police density in selected countries, for various years 2007-2009. Police density is the number of police officers excluding civilian staff per 100,000 population
Source: Aebi (2010)

Figure 15 (below): Proportion of victims that recall being offered the VPS by region, 2009/10
Source: Ministry of Justice (unpublished), Witness and Victim Experience Survey 2009/10





The police force is shrinking

In England and Wales, the police force has a quarter of a million staff. Six in ten (140,000) are police officers and three in ten are staff, while community support officers, traffic wardens and designated officers make up less than one in ten. The police force also has nearly 17,000 special constables (volunteer officers) (figure 16, below).³⁸

In 2010, the police force began to shrink. The number of police officers fell by 1.7% between September 2009 and September 2010 – this is the first significant year-on-year decline in police officer numbers since comparable records began in 2003. Police staff numbers also fell by 2.7% and police community support officers (PCSO) have declined by 2.6%. However, the number of special constables (who are mostly unpaid) increased by 15.5%.³⁹

This fall in the size of the force comes despite a modest police density (number of police officers excluding civilian staff per 100,000 population). The police density in England and Wales is just

under 300.⁴⁰ This rate is slightly lower than other European countries – the median was 316 in 2007 (figure 14, above).⁴¹

England and Wales has one of the highest levels of civilian police staff to officers – in 2007, we were second only to Moldova.⁴² The distinction between police officers and staff can be misleading. Her Majesty's Inspectorate of Constabulary estimate that over two-thirds of the police force are in frontline roles and a significant number of these roles are filled by staff rather than officers. Though the frontline is predominantly visible roles (bobbies on the beat), it also includes some specialist units (such as fraud) and some middle office functions (such as control rooms).⁴³

The public have mixed views about the police

Public opinion about the police is split: overall 69% are confident in the local police while 56% feel that the local police are doing a good job and 50% feel that the police can be relied on when needed.⁴⁴

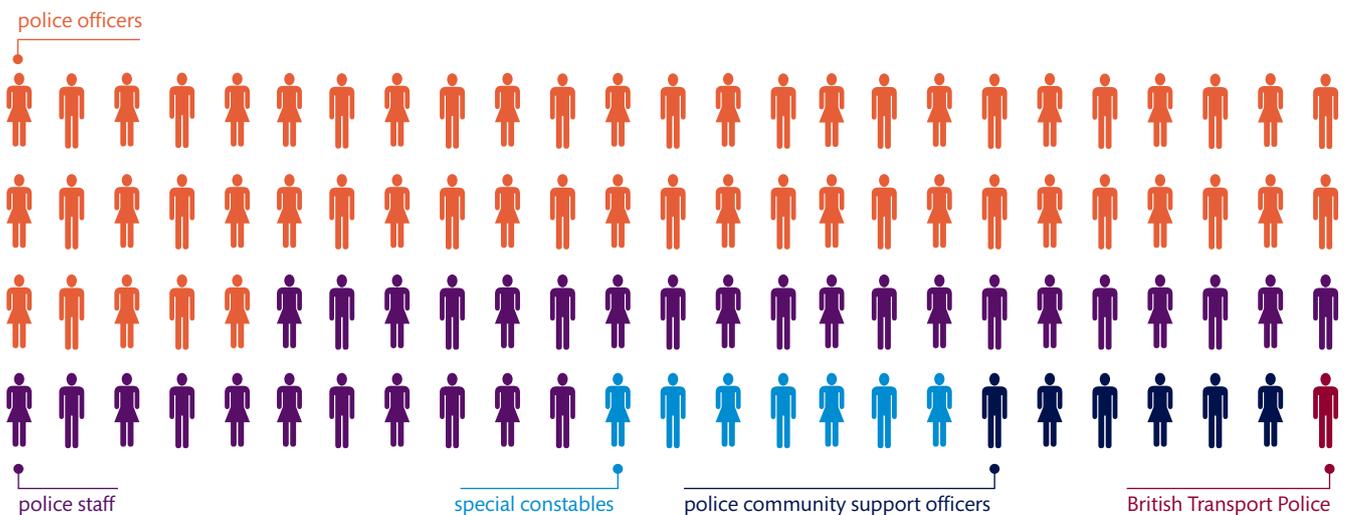


Figure 16: Composition of the police force by role, 2010
Source: Home Office (2011) Police Service Strength: England and Wales

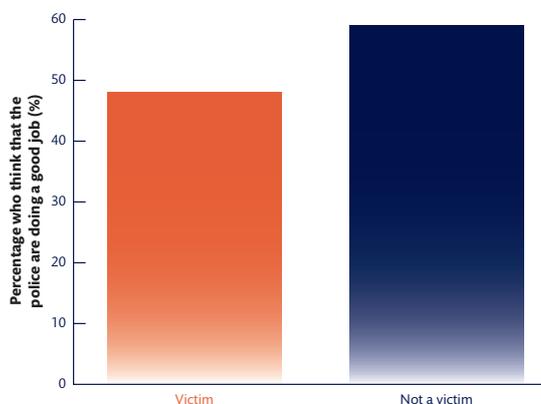


Figure 17: Confidence in the police by experience of crime in the past year, 2009/10
Source: Flatley (2010); refers to British Crime Survey 2009/10

Though two-thirds believe that the police understand local concerns, fewer people feel that they actually deal with these concerns.⁴⁵

The police also fare poorly in comparison to other services. According to the UK Customer Satisfaction Index, the local fire service, ambulance service and GP surgery/health centre all get higher satisfaction ratings than the local police service (figure 18).⁴⁶

Victims are much less likely than non-victims to say that the police are doing a good job

Though victims rate the police more highly than they do any other part of the CJS, fewer than half (48%) feel that the police are doing a good job. This compares to 59% for those who have not experienced crime in the past year and means that victims are nearly 20% less likely than non-victims to feel confident in the police (figure 17).⁴⁷

For other public services, it is the reverse. When the people have direct experience of a service, their satisfaction with this service is higher than that of the general public. For example, when people have been hospital outpatients, they express more satisfaction with the health service than the public at large.⁴⁸

The police receive one allegation for every five employees and this number is rising

In 2009/10, 35,000 people complained about the conduct of someone serving with the police in England and Wales, consisting of nearly 60,000 allegations. The number of complaints and allegations has been rising over the past decade.⁴⁹

Though at first glance the increasing number of complaints would suggest worse police performance, the rise itself needs to be assessed with caution as the reasons behind it, though they are not discussed here, may be manifold and may include positive factors, such as the process of making a complaint becoming easier.

In 2009/10, one allegation was made for every five employees. Over a quarter of these allegations were for neglect of duty (such as not keeping someone informed about a case as promised and failing to investigate a crime properly). Another quarter were for oppressive behaviour and a fifth for incivility (such as perceived rudeness or intolerance).⁵⁰

Figure 18: Satisfaction in local services, 2011
Source: UK Customer Satisfaction Index



5. A day in the criminal justice system

over
26,000
incidents of
crime



12,000
crimes
reported to the police




3,500
offences
brought to **justice**

180
applications
for
criminal
injuries
compensation


550 trials
in Crown and magistrates' courts

1,700
witnesses
expected in Crown and
magistrates' courts



760
witnesses
gave evidence

These numbers are daily averages, based on annual figures. In some instances, such as court cases, the average number of events taking place on a normal working day will be higher as these figures represent an average across a full year (including weekends and bank holidays). Sources for the annual figures are given where they appear in the text.

6. Going to court

Around 13% of crimes reach court and most criminal cases are dealt with in either:

- magistrates' court (most criminal cases start here); or
- Crown Court (more serious criminal offences start here).⁵¹

This audit will focus on criminal cases, and so the discussion will be restricted to magistrates' and Crown Courts only.

There are approximately 300 magistrates' courts in England and Wales. These courts are staffed by 30,000 magistrates, 130 district judges and 170 deputy district judges.⁵² Following Government plans, just under a third of these will be closed over the next three years.⁵³

The Crown Court is a unitary court (it functions as only one court), based at 77 locations across England and Wales. Most cases at the Crown Court are taken by one of the 680 circuit judges and 1,233 recorders.⁵⁴

The courts service costs £1.2bn, of which staff costs make up three-quarters.⁵⁵

Over half a million witnesses were called to court last year...

Appearing in court to testify to what you saw or heard is absolutely critical to our justice system – it simply doesn't work without the hundreds of thousands of witnesses who give evidence in court every year.

About 630,000 witnesses were expected in Crown and magistrates' courts alone in 2009.⁵⁶

Most witnesses are civilian adults and nearly 40% are police. Over 10% of all witnesses are defence witnesses (70,000). Child witnesses make up about 5% (around 30,000).⁵⁷

...but many do not get to give evidence

Of all those expected to be a witness at court, nearly half do not give evidence (46%). One in ten did not attend court (figure 19).⁵⁸



Figure 19: Number of witnesses expected at court by attendance and outcome, 2009
Source: Ministry of Justice (unpublished)

Trials can have one of three outcomes at court:

Effective: trial started when scheduled and reached a conclusion.

Ineffective: trial did not go ahead when scheduled and must be rescheduled.

Cracked: Trial does not go ahead on the day but does reach an outcome. This usually occurs when a defendant pleads guilty on the trial day or prosecution offers no evidence.

£1,200,000,000

cost of the courts in 2009/10

630,000

number of witnesses expected in courts in 2009

44% gave evidence

5% are children

200,000

trials every year in Crown and magistrates' courts

Only a minority of trials go ahead as planned

There were 180,000 trials in magistrates' courts and a further 20,000 trials in the Crown Courts in 2009.⁵⁹

Just over two out of every five trials are effective. The rest are either cracked (a further two out of five) or ineffective (one in five) (figure 20).⁶⁰

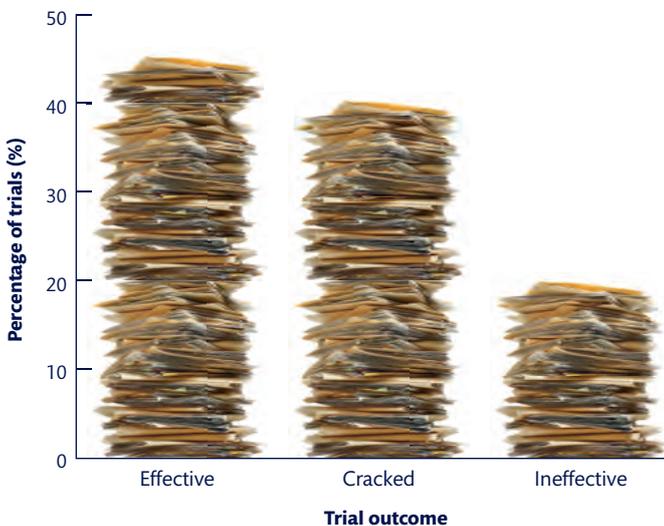


Figure 20: Proportion of trials that are effective, ineffective or cracked, 2009
Source: Ministry of Justice (2010), Judicial and Court Statistics 2009

There has been little improvement (or decline) in these outcomes for some time in either magistrates' courts or the Crown Court.⁶¹

In magistrates' courts, only three out of five cases were completed at first listings, that is, with no adjournments.⁶²

The most common reason for an ineffective trial is the absence of a key individual (defendant or witness). One in five ineffective trials fails because of an absent witness and another one in five fails due to an absent defendant. Many trials don't go ahead because the prosecution or defence are not ready or the court has administrative problems.⁶³

There is significant regional variation in trial outcomes

The proportion of trials that are effective varies by 20%pts* in magistrates' courts and nearly 40%pts in Crown Courts. For example, in Avon and Somerset magistrates' courts, over half the trials are effective, but in North and West Yorkshire it is just over a third.⁶⁴

Moreover, in England there appears to be a significant north-south divide in the likelihood of trials happening as planned. Trials taking place in the North appear to be less likely to be effective, than those in the South (figure 21, overleaf).

Time from offence to completion are long and have shown little improvement since 2005

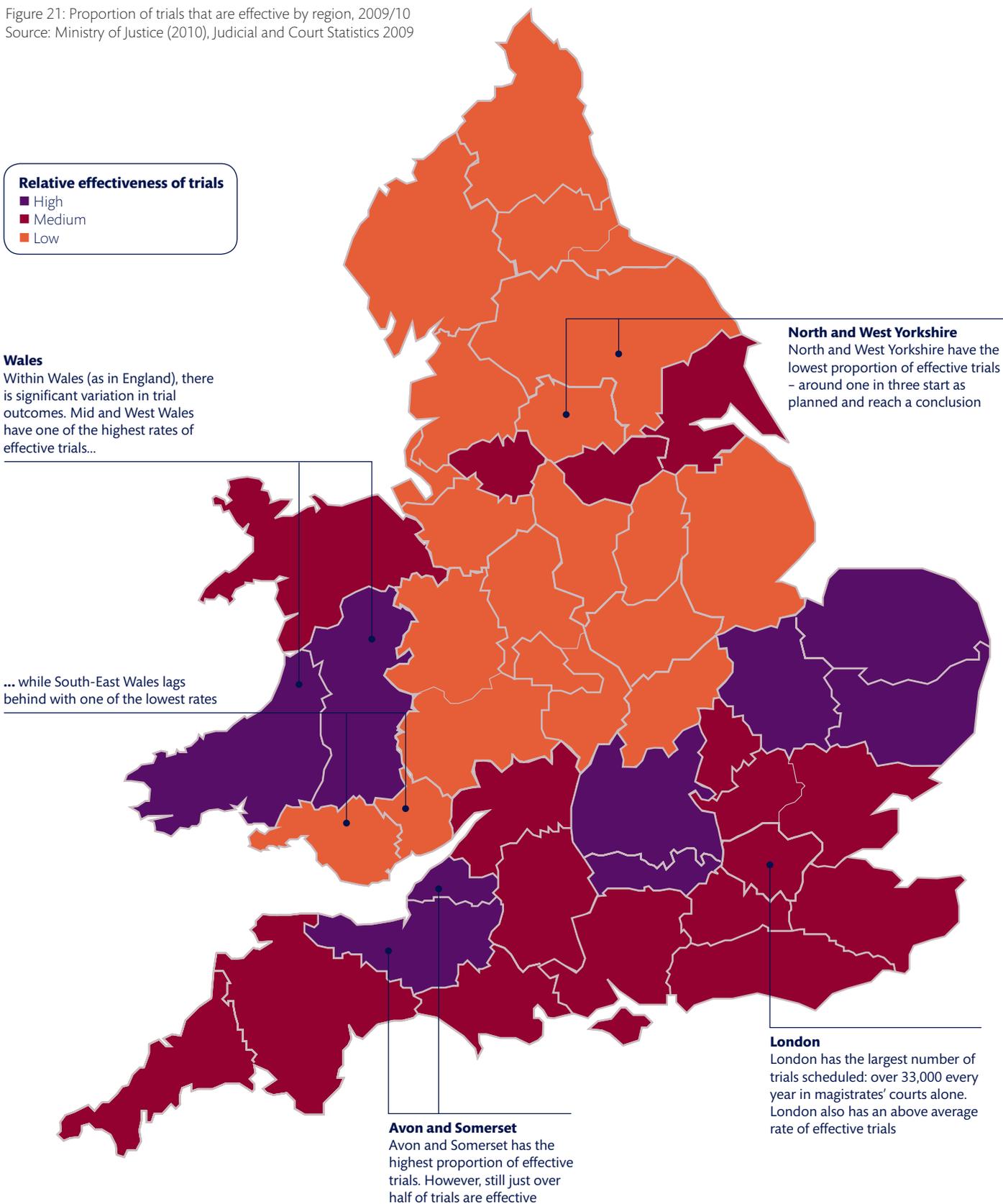
The average time from offence to completion for all criminal cases is about four and a half months. This has fallen by about a week since 2005. The most substantial time period is from offence to charge (or laying of information) – this is just under three months on average.⁶⁵

As would be expected, trials in which defendants plead guilty are much quicker to complete than 'not guilty' pleas – they take half as long. As with trial outcomes, completion times vary significantly from area to area – for example, average completion times for trials in which the defendant pleads 'not guilty' vary by 100% between regions.⁶⁶

In the Crown Court, the average time from offence to completion for 'not guilty' plea trials is five and a half months. But this average ranges between around three and a half months to seven months between regions. For guilty plea trials, the average across England and Wales is just over two and a half months – varying by two months across regions.⁶⁷

*A variation of 20%pts indicates a difference of 20pts between the lowest and highest percentages, eg 36% to 56% as for the range of effective trials in magistrates' courts. This is distinct from a difference of 20%, which would indicate a range of 20% of some given value, eg 20% of 36% is 7.2%.

Figure 21: Proportion of trials that are effective by region, 2009/10
 Source: Ministry of Justice (2010), Judicial and Court Statistics 2009



Most victims and witnesses surveyed at court are satisfied with their overall court experience...

Unfortunately, our understanding of victim and witness experiences at court is limited. The Witness and Victim Experience Survey (WAVES) is a large-scale survey designed to improve our understanding, however, this survey only includes witnesses and victims from a subset of crime types and does not collect the views of those under 18.⁶⁸ Though a useful source of information, it may not accurately represent the experiences of all witnesses and victims at court.

Nevertheless WAVES can give us some insight into the experiences of these victims and witnesses. Findings show that this group are highly satisfied with their overall contact with the CJS (85%) and how they were dealt with prior to court (86%). They rate Victim Support's Witness Service very highly (96%) and are greatly satisfied with the consideration they were shown before giving evidence in court (91%).⁶⁹

However, only two out of three victims and witnesses reported that they had been offered a court visit before the trial (67%). We see firsthand the impact that these pre-trial visits can have and we want to make sure that in the future every witness is offered this service.⁷⁰

It is worth noting that an individual's satisfaction can be affected by the outcome of the case. Analysis by the Ministry of Justice found that while most respondents were satisfied with the treatment they got from CJS staff (86%), the highest level of dissatisfaction came from victims and witnesses in whose case the defendant was found not guilty.⁷¹

... but many feel that waiting times are a priority

We have some additional insight from the Court User Survey, but unfortunately this large-scale survey represents a missed opportunity. Though the survey collects the views of more than 8,000 people, less than 5% of those are witnesses or victims.⁷²

Looking across all public court users (including witnesses, defendants and those attending in support of someone else) this survey tells us that a quarter were dissatisfied with the time it took for their case to reach court. When it finally did get to court, nearly one in six were dissatisfied with the time they waited on the day for the court for its staff to deal with their case. Moreover, half of public court users said that waiting times were a priority while nearly a third said that 'how staff dealt with customers' was important.⁷³

Though we have seen that overall satisfaction in the courts is high, there is room for improvement. Of all the court users surveyed by the Court User Survey (including professionals), one in five highlighted the 'court environment and facilities' as a factor that would have improved their experience in the court, one in seven said waiting times and one in ten said information before their visit.

Young people and ethnic minorities are less likely to be satisfied with their court experience

From the Court User Survey, it is clear that people of black or Asian ethnicity are much less likely to be very satisfied with their court experience than those of white ethnicity (figure 22). However, this result will be heavily skewed by the respondents' purpose for the visit – those of a black or black British ethnic group were significantly more likely to be attending court as a defendant. Age also appears to be a factor influencing confidence: those aged 16-34 are much less likely to be very satisfied than those aged above 55.⁷⁴

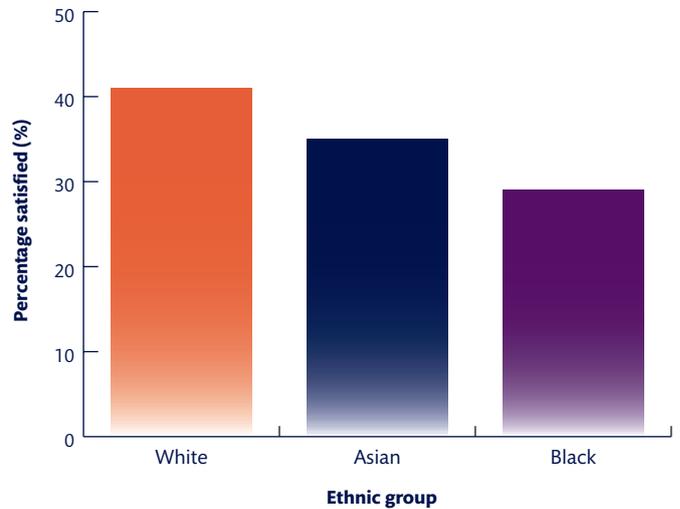


Figure 22: Satisfaction with the court experience based on broad ethnic group
Source: Ministry of Justice (2010), HMCS Court user survey

7. The data story:

understanding the experiences of victims and witnesses

Throughout this audit, we have turned to high-level data to understand the experiences of victims and witnesses. This gives us a good indication of the collective experiences of victims and witnesses at a national and local level. Understanding these experiences is critical to the overall success of the criminal justice system and the wellbeing of each person involved. However, Victim Support is concerned that there has been a gradual erosion of this data.

This concern is borne out of the loss of the Witness and Victim Experience Survey at the end of last year, the scheduled end of the HMCS Court User Survey and the gradual erosion of the British Crime Survey. These surveys contribute a great deal to our understanding of the experiences of victims and witnesses on a national scale.

The Witness and Victim Experience Survey (WAVES) was terminated at the end of 2010. With the closure of this survey, there is now no large-scale data on the experiences of victims and witnesses with key justice agencies such as the courts. **Without a good understanding of the characteristics and experiences of victims and witnesses, the government simply cannot guarantee that their experiences are improving.** This is a conspicuous and alarming gap in crime and criminal justice statistics. We fear that these groups, which have been marginalised in the justice system, are now at even greater risk of poor experiences and the negative outcomes that may follow.

The HMCS Court User Survey ran from 2007-2010. Though this survey was scheduled to come to a close, it is a significant loss of insight into the experiences of witnesses and other court users across England and Wales.

Following the closure of these surveys, the government has not indicated how it will guarantee that victims and witnesses are given a fair deal in the future.

The British Crime Survey (BCS) is a world leader in its field and a point of pride for the Home Office. However, the last few years have seen an erosion of the BCS, with a significant and worrying reduction in questions on the experiences of victims. Moreover, the future of the BCS has not yet been assured by the Home Office. The future of this survey is central to improving public confidence and ensuring that decision makers in government and community groups have the information and insight they need to protect and improve the experiences of those within their charge.

The current public spending reductions in criminal justice and elsewhere, as well as the proposed major changes to crime policy (such as the introduction of elected police and crime commissioners) increase our need for a thorough understanding of the experiences of crime and criminal justice through robust, consistent data collection and analysis.



8. Brought to justice?

Only a minority of offences are brought to justice

1.3 million offences were brought to justice in 2009/10. This is approximately three in ten recorded crimes. After falling between 1999 and 2003, this proportion has risen over 10% since 2003.⁷⁵

Though in many cases there may be a good reason why it was not possible for the police to bring an offender to justice, this low proportion may be a contributing factor to low public confidence. Less than half of the general public feel that the CJS is effective in bringing people who commit crimes to justice.⁷⁶

Convictions and cautions still make up the majority of offences brought to justice (OBTJ) (around 1m combined), but much of the rise in offences brought to justice was due to the introduction of Penalty Notices for Disorder (PNDs) and formal warnings for cannabis possession, both introduced in 2004 (figure 23).⁷⁷

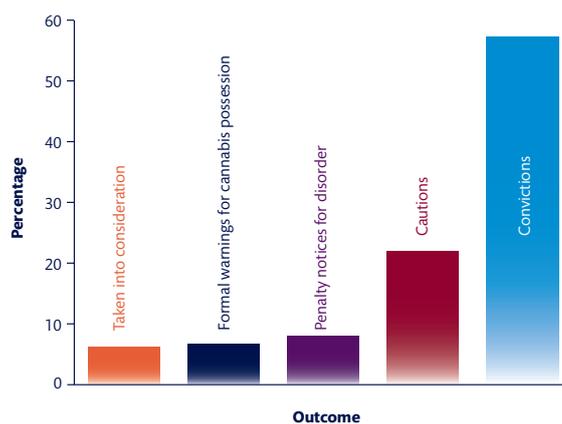


Figure 23: Offences brought to justice by outcome, 2009/10
Source: Ministry of Justice (2010), Criminal statistics: England and Wales 2009

An offence is considered to have been brought to justice when an offender received one of the following: caution; conviction; taken into consideration; penalty notice for disorder; or cannabis warning.

Caution: sufficient evidence for a conviction, but it is not in the public interest to follow criminal proceedings. Traditionally and commonly used for first time offenders.

Taken into consideration: considered alongside other (more substantive) charges in court.

Penalty notice for disorder: aimed at low-level, anti-social and nuisance offending such as drunk and disorderly behaviour (£80 penalty) and leaving litter (£50 penalty); including three more serious offences.

Cannabis warning: for those aged 18 years or over if caught in simple possession of cannabis (this does not involve an arrest).

Most sentences are fines, but community sentences are more common for young people

Across all courts, the most common sentences are fines. In magistrates' courts (for lesser crimes), seven out of ten sentences are fines – followed by community sentences and immediate custodial sentences. However, fines are rare in the Crown Court (for more serious crimes) where the majority of offenders get immediate custodial sentences (such as prison).⁷⁸

Community sentences are the most common sentence for young offenders: nearly seven out of ten of those aged 10–17 years are given community sentences, compared to one in ten for those aged 21 and over.⁷⁹

Moreover, the use of community sentences for young people has doubled since 1999 (figure 24).

97%
of offenders express a
desire to stop offending

30%
of offenders didn't recognise
that their offence had a victim

3 out of 10
recorded crimes
brought to justice

153 people in
prison per
100,000

10,000,000
people in prison worldwide

This change is unique to the younger age group – for those aged 18 and over, use of this type of sentence has seen little change since 1999.⁸⁰

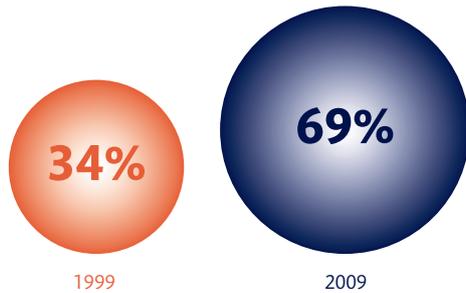


Figure 24: Proportion of young offenders (10-17 years old) given community sentences in 1999 and 2009
Source: Ministry of Justice (2010), Sentencing statistics: England and Wales 2009

Offenders are more likely than non-offenders to have been a victim themselves

There is a significant overlap between those who are victims and those who are offenders. Among a group of 15 year olds, those who had been victims had seven times higher offending rates than those who had never been victims of crime.⁸¹ Furthermore, having been a victim (experienced emotional, sexual or physical abuse as a child) is associated with an above-average likelihood of re-conviction. Despite this, nearly a third of prisoners did not recognise that there were any victims of their offence.⁸²

Prison populations are rising at home and abroad

The prison population is currently 85,300 and has risen by over 30% since 1999 (an increase of around 20,000). This growth has now slowed down – the year-on-year increase from 2008 to 2009 was the smallest annual increase since 1999.⁸³

A growing prison population is not unusual across the world stage. In fact, prison populations have risen in the majority of countries (71%).⁸⁴

Across the world, over 10 million people are in prison (or penal institutions). The USA, China and Russia hold around half of this group – 2.3m, 1.6m and 0.9m respectively.⁸⁵

England and Wales have a prison population rate of 153 per 100,000 of the national population – a similar rate to Luxembourg and Argentina and just shy of the world prison rate (158). This is high in comparison to other Southern and Western European countries (median of 95). However, we appear liberal in comparison to the wider European area (median rate of 229) and the USA (756 – highest in the world) (figure 26, overleaf).⁸⁶

Reconviction rates are stubbornly high

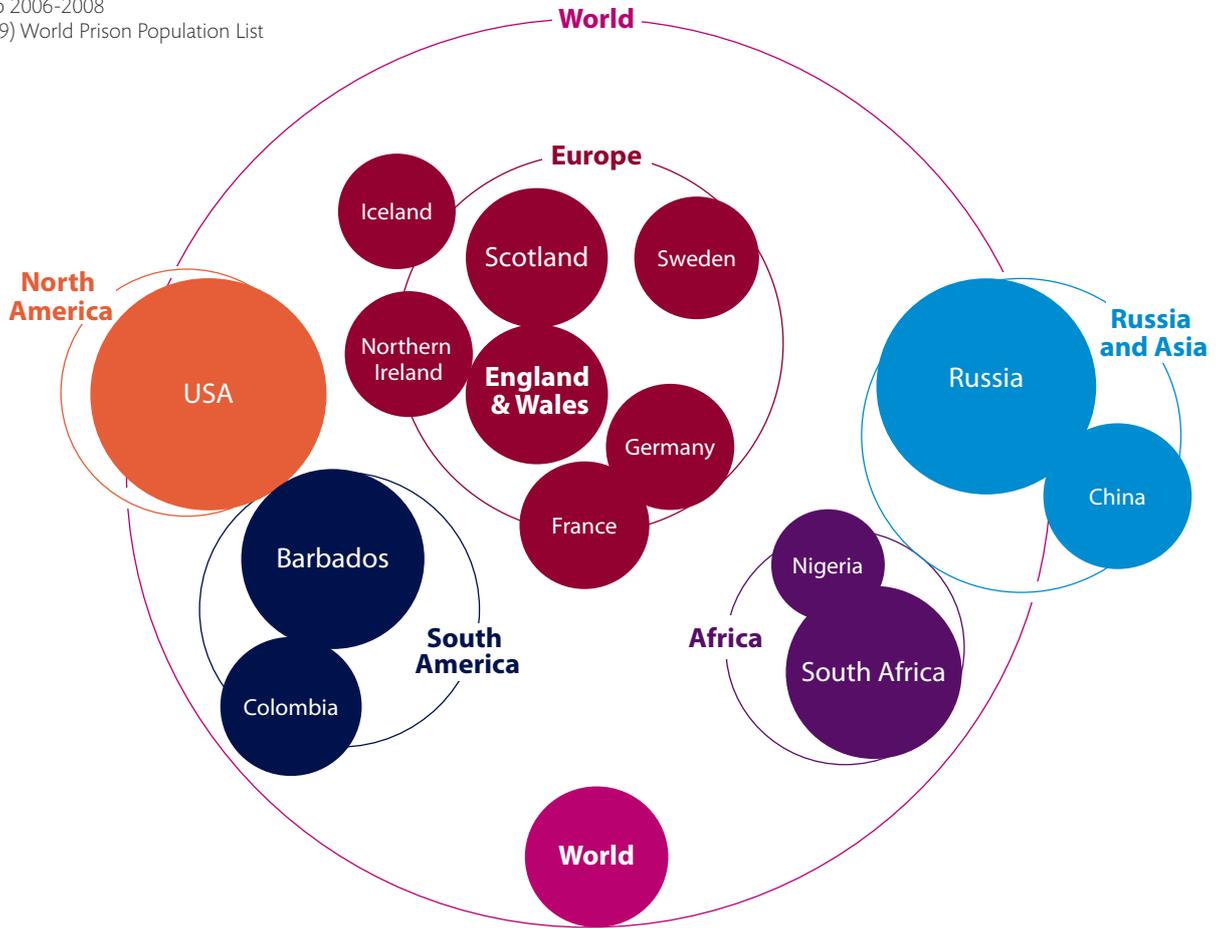
From 2000 to 2008, reconvictions for adults rose and then fell, with an overall reduction from 43.0% in 2000 to 40.1% in 2008. However, the severity of reoffending (the rate of offences classed as most serious per 100 offenders) increased during this period, from 0.76 per 100 offenders to 0.87 (an increase of 14.7%).⁸⁷ Over this same period, reconvictions for young people fell from 40.2% in 2000 to 37.3% in 2008.⁸⁸

Though reconviction rates are high, nearly all those asked said that they wanted to stop offending, and most prisoners did not think it was likely that they would return to prison in the future (figure 25).⁸⁹



Figure 25: Offenders' views on wanting to stop offending and their perceived likelihood of returning to prison
Source: Ministry of Justice (2010), Compendium of reoffending statistics and analysis

Figure 26: Prison population rates for selected countries, data refers to 2006-2008
 Source: Walmsley (2009) World Prison Population List



Around one in ten offenders are required to pay court-ordered compensation

The court has to consider whether a compensation order is appropriate in cases that involve death, injury, loss or damage.

Over 150,000 offenders were ordered to pay compensation in 2009, of an average value of £233 at magistrates' courts and £1,700 at the Crown Court.⁹⁰

Criminal injuries compensation is well-intentioned, but poorly administered

Criminal injuries compensation can be awarded through a government-funded scheme that awards compensation: "to people who have been physically or mentally injured because they were the blameless victim of a violent crime."⁹¹

In 2009/10, over 65,000 people applied for criminal injuries compensation.⁹² However, it is unclear how many of these individuals received any compensation. In addition, at the end of 2010, victims were owed nearly £600m in unpaid awards.⁹³

Further, of those victims who were injured as a result of their crime and whose case got to court, only half were told about the scheme.⁹⁴

Victim satisfaction for restorative justice is high

Restorative justice (RJ) is a: “process whereby all the parties with a stake in a particular offence have the opportunity to communicate to resolve collectively how to deal with the aftermath of the offence and its implications for the future”.⁹⁵

RJ can take place before, during or after the offender is charged with an offence and has admitted responsibility. It is usually used for minor rather than serious crimes. Though some types of RJ have been an active part of the CJS for some time (most police forces already use RJ on the street to divert offenders from the CJS⁹⁶), there is much inconsistency about exactly what RJ is and how it can be practiced.

85% of victims

are satisfied with the restorative justice conference



42% of victims

felt that the offender completed actions from outcome agreement



Figure 27: Victims' views on restorative justice
Source: Shapland (2007), Restorative Justice: the views of victims and offenders

Overall, RJ typically has high victim satisfaction rates: of those sampled in research by the Ministry of Justice, the majority were satisfied with the RJ conference and would recommend RJ to others. However, victims feel some aspects of the RJ process are poor: less than half of victims felt that the offender completed the actions outlined at the conference (figure 27, below).⁹⁷

Despite these weaknesses in RJ, victims who engaged in an RJ conference were more likely to feel that the sentence given was the right one, be satisfied with the CJS and think it is fair (figure 28).⁹⁸

There is also evidence to suggest that RJ helps to reduce reoffending. The Ministry of Justice found a 27% reduction in the rate of reoffending among offenders who participated in direct RJ conferencing, when compared to those offenders who did not.⁹⁹ For this reason, RJ interventions have also shown to bring about considerable cost savings.¹⁰⁰ However, funding is predominantly from local authorities, is inconsistent across areas and does not benefit from any long-term strategy from central government or national quality standards.

control group



restorative justice conference group



Figure 28: Proportion of victims' who were satisfied with "what the CJS did about this offence"
Source: Shapland (2007), Restorative Justice: the views of victims and offenders

9. Putting victims first: ambitions for the future

This audit has shown that some aspects of our justice service are very positive and deserving of praise: crime has fallen and confidence has risen over the past decade. However, there is also a lot of evidence to suggest that victims and witnesses are still not treated well. Victims are less satisfied with the justice system than non-victims and the general public does not feel that victims' needs are met.

One of the only ways voices of victims can be heard in the criminal justice system, the victim personal statement, is under-used and the chance that a victim will even be offered a VPS varies considerably depending on where a victim lives.

At court, waiting times are long and many trials do not go ahead despite witnesses making great efforts to attend. Conviction rates are low and reoffending is high. Add to this a relatively poor level of resource directed at victims and we have a worrying picture. It is clear from this audit that criminal justice agencies still have a long way to go before they really meet the needs of victims. This is important because victims are representatives of the general public and it is their experiences which shape confidence in the system.

Victim support groups including Victim Support have a key role to play and the support they offer also helps other criminal justice agencies. **Indeed our analysis shows that contact with Victim Support improves both victims' confidence and satisfaction with the police.**

But meeting victims' needs cannot be just our responsibility. If the ambitions below are to be met, all the criminal justice agencies need to work together with victims and witnesses always kept in mind.

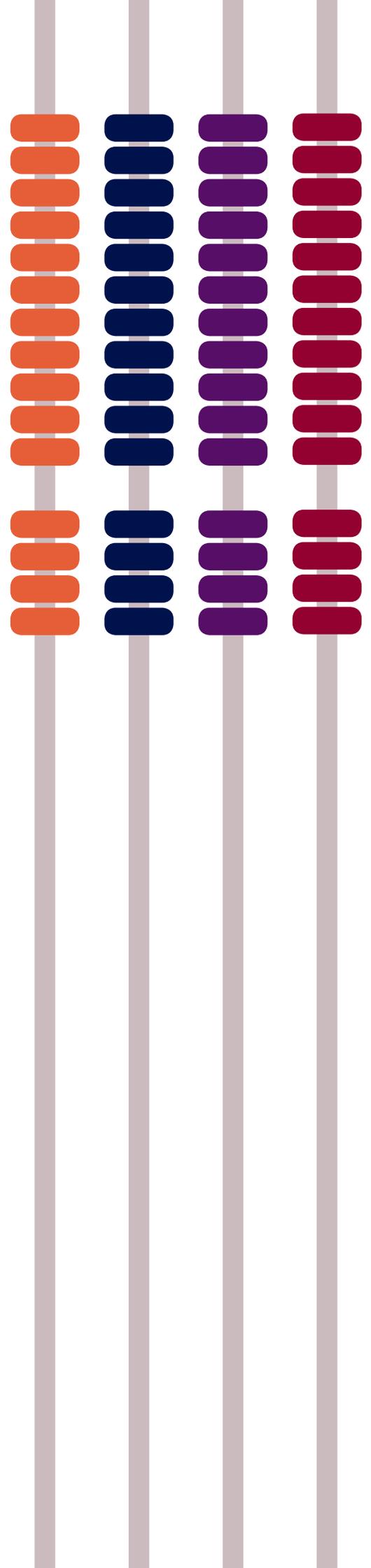
We need to work together to make sure that:

- All victims of crime and witnesses who need support receive it
- Victims and witnesses are regularly kept up to date with progress in their case by the police and other agencies
- All victims are offered the chance to make a victim personal statement
- Courts and trials are designed with the needs of victims and witnesses in mind
- The number of effective trials (those which go ahead on the day they are supposed to) is increased

We hope that by bringing together all these statistics criminal justice agencies and others will come together to focus their ambitions more strongly on improving the experiences of victims and witnesses and strengthening their voices.

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Victim Support is the national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across England and Wales. We also speak out as a national voice for victims and witnesses and campaign for change.

We are not a government agency or part of the police and it's not necessary to report a crime to the police to get our help. We can be approached for help any time after the crime has happened, whether it was yesterday, last week or several years ago.

We have offices throughout England and Wales and we run the Witness Service in every criminal court.

Report by Giselle Cory
Design by Lucie Cooper
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