



## **IN DEFENCE OF JURY TRIALS – JOINT STATEMENT**

We the undersigned organisations believe that the right of defendants to have a trial by jury is fundamental to the rule of law and ensures fairness in the criminal justice system. We unequivocally disagree with any proposal to change to the current jury system, whether the proposal includes reducing the number of jurors or replacing a jury with a judge and two magistrates.

We recognise that the backlog of criminal cases will inevitably have a negative impact upon access to justice for defendants and victims of crime. However, we note that the backlog pre-COVID-19 was at 39,000 cases, and is now at 41,000. We therefore do not accept the suggestion made by the Lord Chancellor Robert Buckland that this is a new and unprecedented challenge caused by the COVID-19 crisis that requires fundamental constitutional change.

The criminal justice system is at a breaking point and we have called on the government to address this crisis before it is too late. The backlog of criminal cases is a direct result of cuts to criminal legal aid. Since 2010, half of the courts in England and Wales have closed. Crown Court sitting days fell from 97,400 in 2018/19 to 82,300 in 2019/20 with approximately 40% of Crown courtrooms sitting idle. It is unclear how removing the protection that a jury trial affords a defendant will address the central issue that led to the backlog in the first place – decades of underfunding of the criminal justice system.

It is our position that abolishing juries for either-way offences under the guise of a COVID-19 emergency response is disingenuous and a threat to the integrity of our criminal justice system.

The principle that a person who is facing a life-changing judgment, and risks losing their freedom, has the right to have their case heard and judged by people representative of their community – of different ages, ethnicities and professional and educational backgrounds – is a fundamental aspect of the criminal justice system in England & Wales.

That the judiciary and magistracy lack diversity at every level is no secret.

In 2019, only 4% of Crown Court judges identified as being from Black, Asian or Ethnic Minority backgrounds (BAME), with a mere three Crown Court judges being Black.

Compare this stark statistic with the fact that approximately 20% of defendants who appear before the Courts come from BAME backgrounds. We know that young black men are more than nine times as likely to be given a custodial sentence when compared to their white peers, and make up more than half of the young people in prison, despite only constituting 14% of the wider population.

Judges and magistrates are also much older than the general population. The average age of a person appointed as a Crown Court judge is 52 years old and over 40% of Crown Court judges are over 60. An overwhelming amount of magistrates (84%) are aged 50 and over, and more than half are over the age of 60.

We also note the lack of socio-economic diversity in the judiciary. Research has shown that where only 7% of the general population attended private schools, 74% of senior judges are privately educated, and 71% of senior judges attended Oxford or Cambridge.

What all these statistics mean in real life is that a randomly selected jury of 12 will bring to the criminal trial and their decision of guilt or innocence, the diversity and variety of the community from which they are selected. The experience of the judiciary and magistracy on the other hand is far removed from the defendants who appear before them. The fairness and efficiency of juries has been well documented, and so it is particularly concerning that a vital safeguard from a system heavily weighted against BAME defendants, is currently being threatened.

“Trial by jury is more than an instrument of justice and more than a wheel of the constitution; it is the lamp that shows that freedom lives.” Lord Devlin.

Trial by jury ensures that at least in that respect, the criminal justice system reflects the values and standards of the general public. It is democracy in action and we will wholeheartedly oppose any proposal that seeks to demolish this vital protection or compromises the rule of law.

**Young Legal Aid Lawyers**



**Young Barristers Committee**



**Black Protest Legal Support**



**Black Barristers' Network**

**Black Barristers Network**

**The Society of Black Lawyers**



**BAME Lawyers for Justice**



**Society of Asian Lawyers**