

Expert comment: Juries are saved but the criminal justice polycrisis continues

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Dr Shaun S. Yates, Senior Lecturer of Criminology and Socio-Legal Researcher, explains the choices the government faces on courts reform

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It is 2026 and the UK’s criminal justice system is going through a polycrisis - a mix of institutional problems that are compounding upon each other.

Criminal justice managers complain that there are not enough prison spaces, that the Ministry of Justice budget is being squeezed too tight and there are unmanageable case backlogs in the courts.

Meanwhile, campaigners argue that the prison revolving door is becoming more entrenched, criminal justice estates are not ‘fit for purpose’ and the courts’ due process commitments are being eroded.

In the recent past, criminal justice policy makers have attempted to resolve such crises by engaging in one of three broad options: (1) gain speed and cost-savings by sacrificing justice quality, (2) improve justice quality at the expense of managerial concerns (cost and case throughput), or (3) attempt to secure both managerial and justice quality improvements simultaneously - also known as the ambitious ‘do more with less’ option.

On the issue of case backlogs, Starmer’s government committed themselves to option one: speeding up the criminal courts’ processing of cases by removing the ability of some defendants, in some cases, to have the right to jury trial.

As any undergraduate law student would identify, Starmer’s proposal would have damaged the democratic quality of English and Welsh justice.

With Starmer now gone and Burnham taking his place, there appears to be a change in Labour’s approach.

Labour’s shifting position

As announced on 4 October, Justice Secretary Alex Norris has called off plans to scrap jury trials (with the exception of some fraud and financial offences) - but it remains a mystery what will be done about the case backlogs.



It is reasonable that some will have concerns that Burnham will repeat the problematic reforms of the Coalition and Conservative governments of the 2010 era.

Back then, these governments continually argued that they would achieve ‘more with less’ but in hindsight, it is evident that these 2010 reforms simply delivered less with less.

Burnham may well repeat this history, attempting to do more with less but ultimately failing. Of course, this failure would take on a 2026 character: the Courts and Tribunals Bill may expand the use of AI in the delivery of cost-saving justice; Burnham could also expand the controversial Single Justice Procedure to speed-up proceedings alongside an increased use of virtual courts to justify the further sale of estates.

An alternative solution to the polycrisis

An alternative ‘more for less’ reform approach would have Burnham achieve something more closely aligned with his recent Labour conference speech which called for citizens to ‘hope again’.

At the outset, Burnham should recognise the complexity of the criminal justice polycrisis, emphasising that an investment - not austerity - agenda is needed.

From there, he could set an appropriately scaled vision for change that would produce cost-savings and speed benefits in the long run. It would require investment in the early stages of people’s lives to produce a crime prevention effect that subsequently reduces court and prison capacity pressures; while also putting in place programmes oriented to break the revolving door of criminality at each point in the criminal justice process.

This vision imagines future Britain to have such a handle on criminality that it does not need to continuously expand its prisons, rely on unproven technologies, sell off its assets and desperately demand speed improvements at the expense of its democratic values. While this vision of success is ambitious, it is also worthy of hope.



Dr Shaun S. Yates is the course leader for the **Criminology and Law BA** and **Criminology and International Security BA** courses within our **School of Social Sciences and Professions**.

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