

Understanding the impact of court delays on victims

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Long read: exploring the social, mental and physical impact of criminal justice delays on victims

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Introduction

I achieved a master's degree following research into the impact of crown court delays on victims in October 2023. This was a personal and professional milestone that felt almost unimaginable years earlier. Balancing motherhood, a demanding career and academic research was never easy, but this research linked to my day-to-day challenge of supporting victims within the criminal justice system.

Having worked within public protection for most of my service, the lasting impact of criminal offences on vulnerable individuals has shaped my career. It has also instilled a deep commitment to improving our service to victims.

The COVID-19 pandemic hit months into my role within criminal justice. Crown courts closed, trials were cancelled and the system was thrown into disarray. Working through this period with partners and colleagues across the country presented unimaginable challenges.

The backlog of cases, the frustration and the emotional toll on our staff were profound. It was during this time that my passion for victim care deepened. I wanted to understand not just the operational impact, but also the personal – and often unseen – effects of these delays on the people we aim to protect.

General consensus for high victim attrition has been attributed to policing investigations, signifying a failure within the system to adequately support and protect victims. But what do victims really think and what can we do to improve our support and reduce victim attrition? This is a million-dollar question in policing.

My research aimed to explore the social, mental and physical impact of court delays on victims. I sought to understand if this is connected to more victims retracting support for prosecution cases, and how both areas affect cases being brought to court for prosecution.

Literature review

There is extensive literature on the functioning of the courts. However, most academic studies have focused on court processes, defendants and legal professionals, with few exploring the victim's experience. Understanding the link between delays and victim impact is essential to highlighting their position within the justice system.

The House of Lords Select Committee (2019 to 2021) described court delays as "unacceptably high" even before COVID-19, attributing them to chronic underinvestment. The pandemic merely exposed and intensified these structural weaknesses, leaving victims and defendants alike in prolonged uncertainty.

Victims often remain engaged with support services for extended periods, increasing resource demand on those services. Javorka (2022) adds a vital perspective by including the voices of sexual assault advocates, reporting that delays and adjournments re-traumatise victims. This is especially true when victims are left in limbo without clear timelines or communication. The lack of prioritisation for certain cases sends a damaging message about whose justice matters most.

Real-life cases illustrate the devastating impact of delays. Albrecht (2022) recounts the story of a young defendant held on remand for years before his case was dropped. He later died by suicide. Swerling (2020) tells of a domestic abuse victim who took her own life after waiting over three years for a trial. These tragedies underscore the emotional toll that delays take on both victims and defendants.

Economic theories from Gravelle (1990) and Vereeck (2000) suggest that delays can be used strategically by defendants to avoid trial, either by pleading early or manipulating the system. Albrecht (2022) expands on this, showing how delays can benefit defendants, especially those on bail, while victims suffer ongoing harm. The concept of "living life on hold" applies to both, yet victims often lack the flexibility or support afforded to defendants.

Feeley (2013) argues, as do Sydow and Schreyögg (2013), that delays are not accidental, but embedded in the adversarial structure of the court system. Courts rely on delays to manage demand, making them a form of self-regulation. This raises serious questions about whether justice is truly being served or simply deferred.

While these studies primarily focus on delays within the criminal justice system, they often overlook the profound impact on victims. This is particularly true in crown court cases, where delays can infringe upon a victim's right to a private life.

If delays are considered an inherent feature of the system and a means of managing demand, this raises serious questions about whether such practices compromise victims' rights. If the social consequences for victims were fully considered, investing in additional court resources to reduce delays might prove more cost-effective in the long term.

Methodology

To understand the impact of court delays on victims, it was essential to include their voices in the research. This was achieved through direct victim testimony and supported by court data showing patterns of victim withdrawal.

A qualitative approach was used to avoid bias and assumptions found in previous studies, ensuring a deeper insight into how delays affect victims. Quantitative data was also incorporated to highlight the scale of withdrawals, allowing comparison with victim experiences and professional perspectives.

Data was collected through three sources:

- national data - quantitative government data from the criminal justice data dashboard was used to track victim withdrawal rates over time from a national and Derbyshire-specific perspective
- victim survey - an anonymous online questionnaire was shared via social media and through witness care officers, which gathered qualitative data on victims' experiences with court delays
- interviews with witness care officers - officers shared what they observed about how delays affect victims

Ten victim surveys were completed, in addition to five interviews conducted with witness care officers. Qualitative responses were grouped into three themes – mental health, social impact and physical wellbeing – to explore how delays affect different parts of victims' lives.

Findings

National data

Crown court cases increased nationally by 16.4% from 2015 to 2022 (rising from 53,648 to 62,440). Cases increased by 87% from the lowest point, which was in 2018, to 2022. Derbyshire followed a similar trend, with an 88% increase in cases from its lowest point, which was in 2017, to 2022.

Between 2019 and 2022, the number of national cases that were over one year old increased by 710% (1,949 to 15,793). In Derbyshire, these cases rose from 35 to 212 between 2015 and 2022, at which point they made 25% of all cases.

In terms of the time taken for cases to complete, for remand cases? (suspect held in custody), the national average rose from 152 to 384 days between 2015 and 2022. Derbyshire improved over time, dropping to 191 days from 211 days in 2022.

For non-remand cases? (suspect bailed), the national average rose from 232 to 384 days between 2015 and 2022. Derbyshire rose from 209 days to 368 days, an increased delay of five to six months? for victims.

Victim withdrawal before trial? dropped nationally from 22% to 15% between 2015 and 2022. In Derbyshire, victim withdrawal dropped from 22% to 13%. Late-stage withdrawals? (after charge) also dropped in this time period.

Victim survey

Social impact

Victims reported serious strain on family relationships, including breakdowns in marriages and sibling ties. One victim described choosing between justice and her marriage because of the emotional toll of repeated delays: "We can't switch off from the case to enjoy ourselves."

Delays also affected work and financial stability, with some victims' partners struggling at work due to stress. Long waits for trial (up to 4.5 years) left victims feeling unsupported and unsafe, especially when accused individuals remained in the community.

Mental health impact

Victims described feeling "stuck in limbo", experiencing depression, anxiety, insomnia and nightmares. Some felt re-traumatised before each new trial date, with one likening their mental state to "an aeroplane in a holding pattern", saying that: "I can't land or move forward with my journey, eventually I am going to run out of fuel, crash and burn."

Feelings of anger, helplessness and being punished by the system were common. Victims questioned whether the delays breached their human rights.

Physical health impact

While mental health issues were widely reported, physical symptoms were less detailed. One victim mentioned that stress and anxiety worsened their existing physical disabilities.

Views on the court system

Victims expressed frustration with the lack of communication and transparency from the courts. Reasons for adjournments, such as unavailable judges or defence barristers, felt unacceptable to victims.

Many said they would hesitate to report a crime again because of the emotional toll and inefficiency of the system: "I have absolutely no faith in the criminal justice system."

Despite their suffering, none of the victims said they wanted to withdraw from their cases. Instead, they just wanted closure.

Witness care officer interviews

Witness care officers agreed that cases now take significantly longer to reach trial, often involving three to four adjournments. While data shows that 25% of cases exceed 12 months, officers feel that delays are widespread and emotionally damaging.

Witness care officers reported serious mental health issues among victims, including hospitalisations and suicidal thoughts. One officer recounted a victim who attempted suicide the night before trial because of overwhelming pressure.

Officers reported that victims' lives are deeply disrupted in terms of social impact. One victim had put her life on hold for four years, delaying having children and changing jobs. Many victims faced financial strain, especially when employers were unsupportive of repeated court absences. Victims also advised others not to report crimes because of the trauma of the process.

Witness care officers stated that the role has become more emotionally demanding. Officers now deliver mostly bad news, often without clear reasons for adjournments. One officer described the stress of waiting to find out whether a suicidal victim was safe: "This was the most concerning time, waiting to hear if the victim was okay or if she had hurt herself."

Conclusion

Quantitative data showed that crown court cases take five to six months longer on average to conclude. Yet, contrary to expectations, victims are not withdrawing from cases at higher rates. In fact, data from the Home Office shows that victim withdrawals decreased between 2015 and 2022.

Victims who were surveyed expressed frustration and emotional exhaustion, but also a sense of obligation to see their cases through. As one victim put it, they had "come too far to turn back". This suggests a troubling dynamic: victims feel trapped in a system that offers little support but demands their continued participation.

The most consistent and alarming theme was the impact on mental health. Victims described feeling "trapped", "in limbo" and "punished" by the system. Victims reported anxiety, depression and, in some cases, suicidal thoughts. The lack of mental health support, especially after last-minute adjournments, was a major concern. These delays often come just as victims have mentally prepared for trial, compounding trauma and creating a cycle of emotional harm.

Delays also disrupt victims' lives in tangible ways. Victims reported strained relationships, lost income and even relocation for safety. Witness care officers noted that employers are less accommodating of repeated court absences, especially at short notice. Self-employed victims risk

losing clients, while some victims are advising others not to report crimes at all.

Witness care officers are on the front line, supporting victims through an increasingly difficult process. They reported feeling overwhelmed, under-resourced and emotionally drained. Many described their role as delivering mostly bad news, with little ability to offer solutions or hope. Despite this, their support appears to be an important factor in keeping victims engaged. Victims consistently cited witness care officers as their main source of support, reinforcing the need to invest in these roles.

Both victims and witness care officers called for more court time and fewer adjournments. These suggestions align with academic literature, which argues that delays are built into the system and require a full-scale, coordinated response to resolve.

While victims are still supporting current cases, many said they would hesitate to report crimes in the future. This raises serious concerns about under-reporting and the long-term erosion of public trust in the justice system.

From research to reform

In light of findings from 2023, Derbyshire Police undertook a significant restructure of their witness care unit. This included:

- the introduction of a new face-to-face support model for victims
- the development of a victim support app aimed at providing updates, resources and emotional support throughout the court process

While initial business plans were approved, a reduction in funding prompted a review of these proposals. Despite financial constraints, face-to-face support was successfully implemented and remains active, with witness care officers providing weekly in-court support to victims. To align with recommendations while managing costs, innovative approaches were explored. This led to the introduction of community outreach support as an alternative method of delivering face-to-face services.

The original concept for a bespoke victim support app encountered rising development costs. Concurrently, a national solution was being progressed. As a result, leadership opted to support the national app build, covering both pre- and post-charge stages. In the interim, Derbyshire adopted the use of?My Support Space, offering victims access to online support.

Face-to-face support for long-term cases is widely recognised as the gold standard in witness care. However, increasing court delays have made it difficult for many forces to allocate the necessary resources. To move forward, a sustainable funding model is needed that allows for tailored support based on individual victim needs. This raises an important question: do all victims require gold-standard support or is a tiered, needs-based model more practical and scalable?

The sentencing review has the potential to reduce court delays, making a financially sustainable face-to-face support model more achievable. This reform could serve as an important turning point. However, further research is needed to evaluate its impact and to design a scalable victim support framework aligned with these changes. Additionally, a critical area for investigation is understanding how ongoing delays and the post-COVID return to standard operations affect victim attrition.

This study paints a sobering picture of the emotional and social cost of court delays. While victims remain committed, their resilience is being tested to its limits. Without meaningful reform, the justice system risks not only failing those it is meant to protect, but also deterring future victims from coming forward. The findings offer a clear message. Delays are not just a procedural issue, they are a human one – and the time to act is now.

Recommendations

It is recommended that forces speak to witness care units around these issues and consider:

- prioritising face-to-face, tiered support for victims
- strengthening communication around court delays to reduce emotional harm
- empowering witness care officers with resources, digital support and mental health training to sustain victim engagement in the justice system

This article was peer reviewed by Robert Fortune, Regional Manager, Avon and Somerset.

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