

Analytical Services Group
Crown Court Bulletin

October to December 2016

Research and Statistical Bulletin 01/2017

Provisional Figures

C Darragh

3rd February 2017

Produced by Analytical Services Group,
Department of Justice.

For further information write to:

**Analytical Services Group,
NI Courts and Tribunals Service,
4th Floor, Laganside House,
23-27 Oxford Street,
Belfast BT1 3LA**

Telephone: 028 9072 8927

Email: caroline.darragh@courtsni.gov.uk

This bulletin is available on the Internet at:

www.courtsni.gov.uk

EXECUTIVE SUMMARY

- This bulletin provides information on throughput at Crown Courts in Northern Ireland during the period October to December 2016 and commentary on trends observed for this quarter in each year from 2007. During the period October to December 2016:
- **The introduction of new rules in May 2015 in relation to legal aid remuneration resulted in a number of solicitors and counsel withdrawing their representation from a range of court cases. This has affected defendants' access to legal aid representation and this may have had an impact on disposals and delay within the Crown Court process during the period. The dispute ended on 11th February 2016.**
- There were 367 Crown cases received during October to December 2016 (Table 1). This was a 6% increase on the 345 received during October to December 2015. The number of cases disposed has increased almost three fold, from 165 during October to December 2015, to 484 for the same period in 2016 (Table 2). The sharp increase in disposals in 2016 is mainly due to the attempts to clear the backlog of cases created as a result of the legal aid dispute. The number of cases received and disposed for the October to December quarter over the last ten years is outlined in Figure 1.
- There were 448 defendants received in the Crown Court during October to December 2016 a 1% increase on the same period last year, when 445 defendants were received. 609 defendants were disposed during October to December 2016 (an almost three fold increase against the same period last year, when 205 defendants were dealt with).
- The average time from committal to hearing for October to December 2016 was 162 days, compared with 176 days for the same period in 2015. The average time from conviction to disposal was 58 days, compared with 88 days for the equivalent period in 2015. The average waiting times for defendants disposed in the October to December quarter over the last ten years is outlined in Figure 2.
- County Court Judges disposed of 99% of defendants (600) and during the same quarter last year they disposed of 97% (199) defendants. 13% of defendants were charged solely with offences against the person while 41% of defendants had a combination of charges. During the same period last year 20% of defendants were charged solely with offences against the person, and 32% of defendants had a combination of charges. The charge types for defendants disposed during October to December 2016, are outlined in Figure 3.
- Of the 609 defendants disposed during October to December 2016, 225 (37%) pleaded guilty to all charges, compared with 60 (29%) during October to December 2015.
- In total there were 744 Crown Court sittings for October to December 2016 compared with 609 for October to December 2015 (an increase of 22%), with a total time of 2,056 hours sat compared with 1339 hours sat during the same period last year.

CONTENTS

Contents	Page
1. Introduction	1
2. Methodology	2
3. Findings	4
3.1 Receipts & Disposals	
3.2 Waiting times	
3.3 Disposals by Judge Type	
3.4 Disposals by Charge Type	
3.5 Outcome of Defendants	
3.6 Sittings	
Appendix 1 - Tables	8
Appendix 2 - Explanatory Notes	12

Figure	Page
Figure 1: <u>Crown Court cases received and disposed: October – December 2007 to October - December 2016</u>	4
Figure 2: <u>Crown Court waiting times in days: October - December 2007 to October - December 2016</u>	5
Figure 3: <u>Crown Court defendants disposed by charge type: October - December 2016</u>	6

Table	Page
Table 1 <u>Crown Court cases received</u>	8
Table 2 <u>Crown Court cases disposed</u>	8
Table 3 <u>Crown Court defendants received</u>	8
Table 4 <u>Crown Court defendants disposed</u>	9
Table 5 <u>Waiting times in days</u>	9
Table 6 <u>Crown Court defendants disposed by judge type</u>	9
Table 7 <u>Crown Court defendants disposed by charge type</u>	10
Table 8 <u>Outcome of Crown Court defendants</u>	10
Table 9 <u>Crown Court sitting times</u>	11

INTRODUCTION

The Crown Court has exclusive jurisdiction to try offences charged on indictment. Offences tried on indictment are more serious offences. The Lord Chief Justice is President of the Crown Court and the Lords Justices of Appeal, High Court Judges and county court judges all sit in the Crown Court.

Trial on indictment in the Crown Court follows after the accused has been returned for trial at committal proceedings in a magistrates' court. The Public Prosecution Service is responsible for preparing a formal document called an indictment, stating the charges which the accused will face. The matters are then tried before a judge sitting with a jury.

The Crown Court normally sits at seven different venues throughout Northern Ireland and the trial of non-scheduled offences takes place at the sitting of the Crown Court determined by the District Judge who committed the accused. This is usually the Crown Court acting for the county court division in which the offence is alleged to have been committed.

Appeal from the Crown Court is to the Court of Appeal. If a person wishes to appeal against conviction on a question of fact, the permission of either the Crown Court Judge or the Court of Appeal is required. To appeal against sentence he or she needs the leave of the Court of Appeal.

All persons convicted of a scheduled offence tried on indictment can appeal against conviction to the Court of Appeal on any grounds and without leave. This automatic right of appeal is a safeguard built into the system because in these cases there is no jury.

The prosecution has no right to appeal against the acquittal of a defendant who has been tried on indictment. The Attorney-General can refer a point of law to the Court of Appeal for its opinion, but even if the Court of Appeal considers that the trial judge made an error of law resulting in an acquittal, the acquittal still stands. The reference and subsequent ruling is useful in guiding the prosecution of future trials.

2. METHODOLOGY

2.1 Data sources

Data contained in the Tables are inputted onto the Integrated Court operations System (ICOS). This system was implemented across the Northern Ireland Courts and Tribunals Service (NICTS) over a two year period from 2005 to 2007. While ICOS was introduced in the Crown Court during 2006, data derived from ICOS has been used as the source for official government statistics since 2007, when the implementation of ICOS across all court tiers was completed. ICOS is a live operating system used in each court tier to process every part of court business, from receipt of payments through to the production of final orders made. The data are input into this system on a daily basis by court clerks, and this information is checked and confirmed by another member of staff to ensure the data entries are correct. As data on licence applications received and disposed are not recorded on ICOS, these data are compiled manually by each county court office and submitted on a quarterly basis.

2.2 Methodology for generating data

Statisticians based within the NICTS take a download of Crown Court information from ICOS on a monthly basis. The information is downloaded using a package called Oracle Discoverer which extracts all the relevant data from ICOS into text files which are refreshed with up to date information each weekend. The text files are downloaded onto a secure internal facility that only specified statistical personnel have access to. The data contained in the files are identified only by numbers and names and addresses are not held. These statistical files are not transmitted outside the NICTS statistical team. The statisticians based in the NICTS then import these data into the Statistics Package for Social Sciences (SPSS). SPSS is then used to perform extensive data validations to identify potential errors in the data and to ensure the data are reliable and robust.

2.3 Baseline and Time period

Data contained within this bulletin relate to the time series 2007, when ICOS was adopted as the source of Crown Court data, to the calendar year 2016.

2.4 Data quality and validation

Statisticians based in the NICTS have invested significant time and effort creating an extensive computer programme within SPSS to validate the information downloaded from ICOS. The programme includes over 100 checks against downloaded Crown Court data to: (i) check consistency over time and between variables; (ii) reliability of data using logic checks; (iii) checking that variables fall within accepted ranges; and (iv) checking with the ICOS Support Team in the event of any major discrepancies that have occurred since the last download. The validation program produces user friendly tables highlighting the potential problems which are circulated to each county court venue as a validation report. Each court division has a Case Progression Officer who is responsible for: monitoring accuracy levels on ICOS, by carrying out sample checks on data entry and court resulting;

ensuring all validations on ICOS and manual statistics returns are completed in a timely manner; providing advice and identifying training needs; monitoring the confirmation of ICOS criminal court resulting, including the inputting of adjournment codes; and promoting awareness of the impact error can have, its wide ranging consequences and the negative impact on the reliability of management information.

The Case Progression Officer is given a two week period from the date the validation report issues until all records are amended on ICOS. This ensures that the corrections are updated before the next download of files. After the files have been refreshed each weekend, all the data are then downloaded again, with the new download reflecting amendments made as a result of the validation reports. If any errors have not been corrected, they will continue to appear in the validation reports until the necessary amendments are made on ICOS.

The NICTS statistics team then ensure that all validations relating to the reporting period are amended prior to publication. Once these amendments have been checked, SPSS syntax programming is then used to generate the tables in the publication.

2.5 Counting rules

Receipts are counted from the date the case is committed to the Crown Court from the Magistrates court. Disposals are counted from the result date that a final order was made against the case changing the case status to dealt with.

2.6 Interpreting trends

Care should be taken when comparing data trends before and after 2007, when ICOS was introduced as the source for Crown Court data. For further advice on differences in data between years, please contact the statistician responsible for this bulletin.

2.7 Revisions

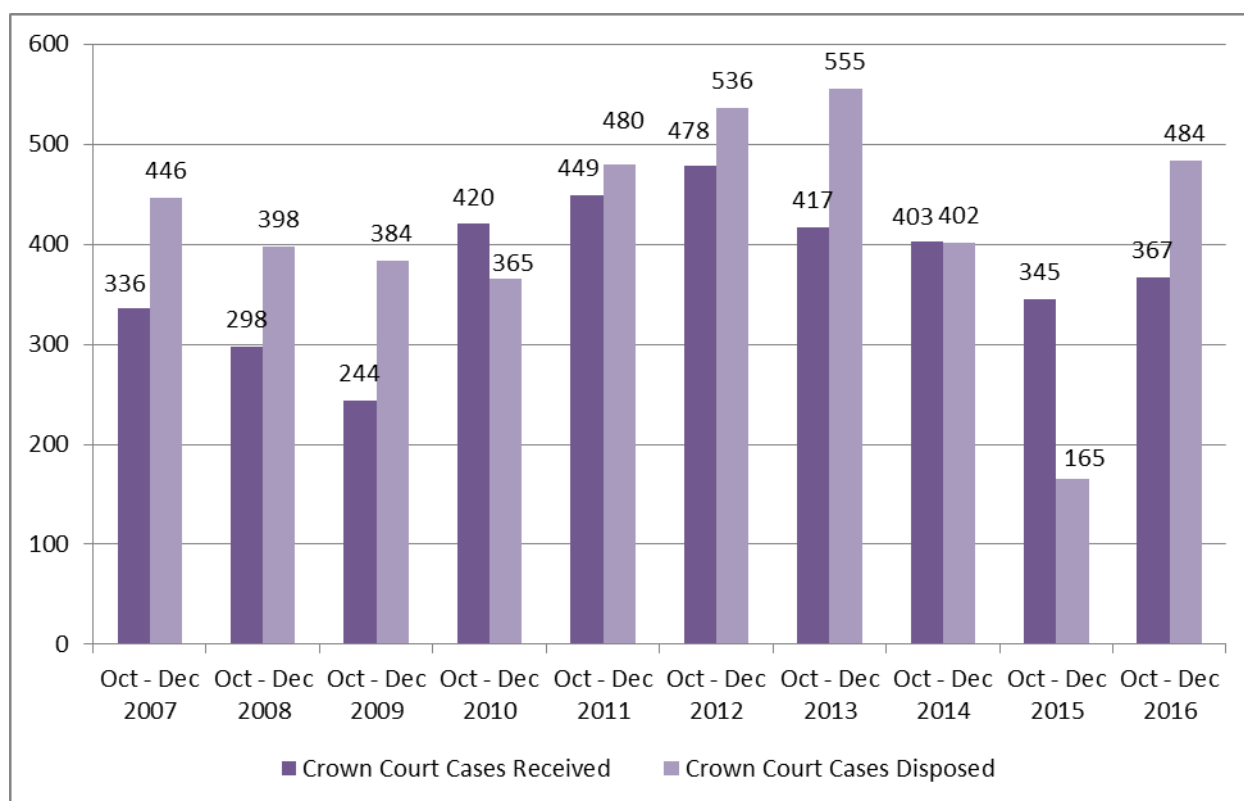
Any revision to data will be applied in light of the ASG (NICTS) Statistical Note 'Policy Statement on Revisions' which can be found on the Statistics and Research page of the Services section on the NICTS website (www.courtsni.gov.uk). Incorrect figures or changes to this publication will be published on the web in a formal Statistical Notice.

3 FINDINGS

3.1 Receipts & Disposals

There were 367 Crown cases received during October to December 2016 (Table 1). This was a 6% increase on the 345 received during October to December 2015. The number of cases disposed has increased almost three fold, from 165 during October to December 2015, to 484 for the same period in 2016 (Table 2). The number of cases received and disposed for the October to December quarter over the last ten years is outlined in Figure 1.

Figure 1: Crown Court Cases Received and Disposed: October – December 2007 to October – December 2016



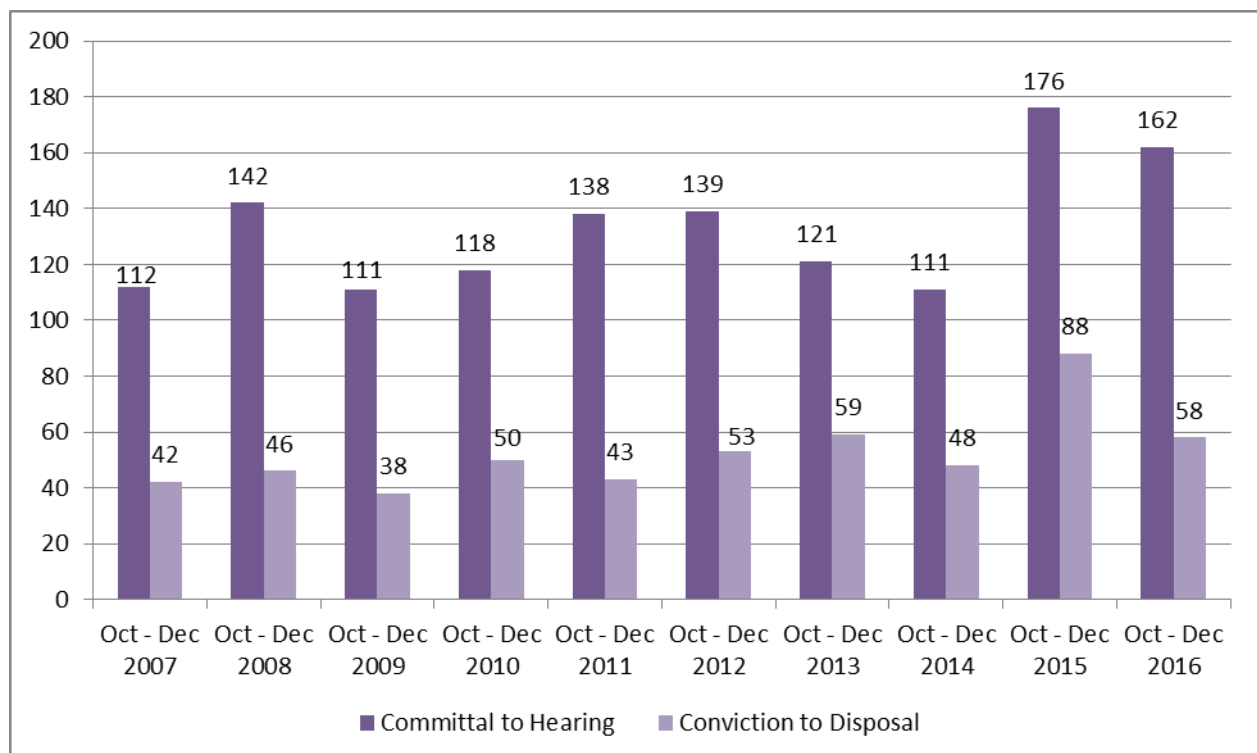
The trend in Crown Court cases received in the October to December quarter fluctuated between 2007 and 2016, peaking at 478 in 2012. The trend in cases disposed also fluctuated between 2007 and 2016, with decreases of 28% in 2014 and a further 59% in 2015, before increasing sharply in 2016. The sharp increase in 2016 is mainly due to the attempts to clear the backlog of cases created as a result of the legal aid dispute.

There were 448 defendants received in the Crown Court during October to December 2016, an increase of 1% on the same period last year, when 445 defendants were received. 609 defendants were disposed during October to December 2016 (an almost three fold increase against the same period last year, when 205 defendants were dealt with). The trend in defendants received and disposed fluctuated between 2007 and 2016 with receipts peaking in 2012 and disposals peaking in 2013. The sharp increase in defendants disposed in 2016, like the cases, is mainly due to the attempts to clear the backlog of cases created as a result of the legal aid dispute (Tables 3 and 4).

3.2 Waiting times

The average time from committal to hearing for October to December 2016 was 162 days, compared with 176 days for the same period in 2015. The average time from conviction to disposal was 58 days, compared with 88 days for the equivalent period in 2015. Average waiting times from committal to hearing have fluctuated over the last ten years peaking in 2015 at 176 days, however this figure will have been affected by the cases delayed due to the legal aid dispute which had started to progress through the Crown Court (Figure 2). The average waiting times from conviction to disposal have remained relatively stable over the last ten years ranging between 38 and 59 days, apart from a spike in 2015 of 88 days.

Figure 2: Crown Court waiting times in days: October - December 2007 to October - December 2016



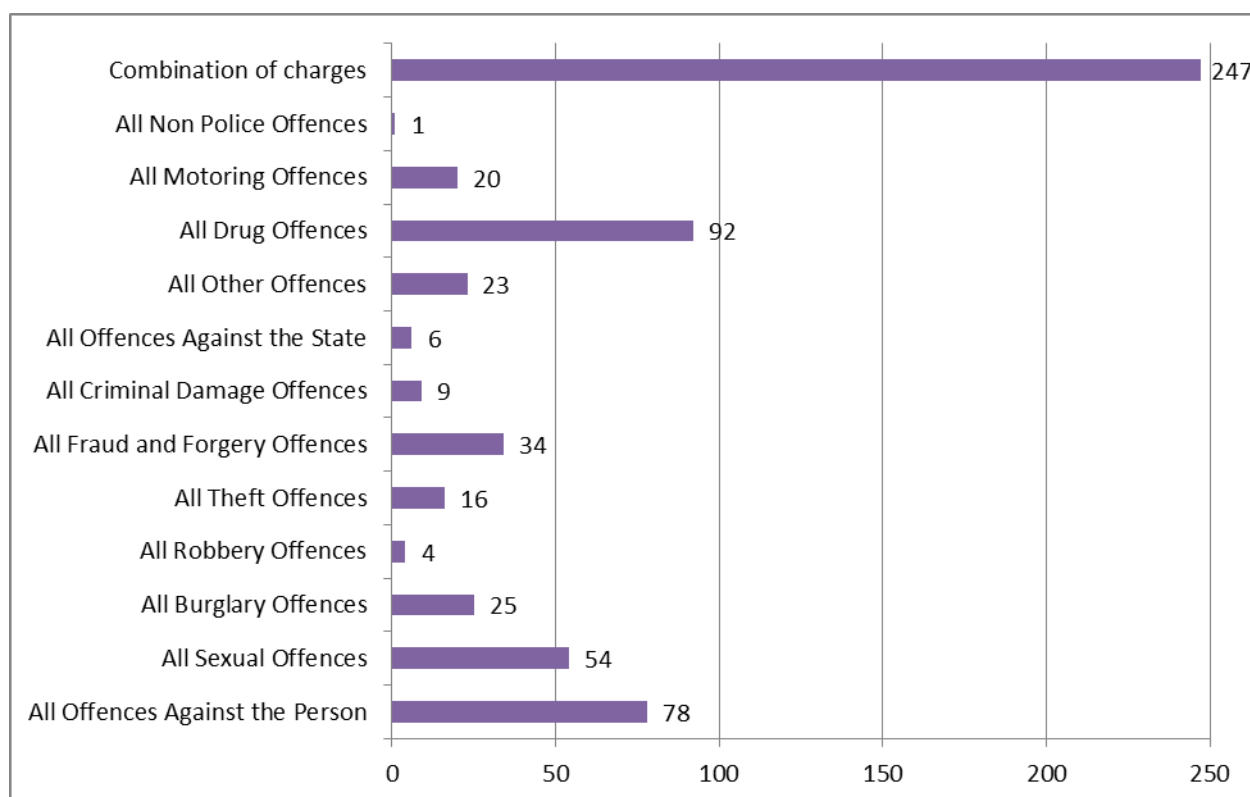
3.3 Disposals by Judge Type

County Court Judges disposed of 99% of defendants (600) and during the same quarter last year they disposed of 97% (199) defendants. The percentage of defendants disposed of by County Court Judges has remained relatively stable over the time series, ranging between 93% and 99%.

3.4 Disposals by Charge Type

Between October and December 2016, 13% of defendants were charged solely with offences against the person while 41% of defendants had a combination of charges (Figure 3). During the same period last year 20% of defendants were charged solely with offences against the person, and 32% of defendants had a combination of charges. Throughout the time series the majority of defendants disposed of each year have been charged with a combination of offences. Defendants charged solely with drug offences account for the next largest offence category in 2016 (15%), ranging from 8% to 15% for the October to December quarter between 2007 and 2016.

Figure 3: Crown Court defendants disposed by charge type: October - December 2016



3.5 Outcome of Defendants

Of the 609 defendants disposed of during October to December 2016, 225 (37%) pleaded guilty to all charges, compared with 60 (29%) during October to December 2015. In total 85% (518) of defendants pleaded guilty or were found guilty of at least one offence between October and December 2016. Across the ten year time series, this percentage ranged between 82% and 86%.

3.6 Sitings

In total there were 744 Crown Court sittings for October to December 2016 compared with 609 for October to December 2015 (an increase of 22%), with a total time of 2,056 hours sat compared with 1,339 hours sat during the same period last year.

APPENDIX 1

Table 1 - Crown Court cases received

	Total
Belfast	110
Londonderry	39
Antrim	51
Fermanagh and Tyrone	41
Armagh and South Down	31
Ards	45
Craigavon	50
Total	367

Table 2 - Crown Court cases disposed

	Total
Belfast	136
Londonderry	49
Antrim	60
Fermanagh and Tyrone	68
Armagh and South Down	40
Ards	52
Craigavon	79
Total	484

Table 3 - Crown Court defendants received

	Total
Belfast	136
Londonderry	45
Antrim	63
Fermanagh and Tyrone	47
Armagh and South Down	36
Ards	54
Craigavon	67
Total	448

Table 4 - Crown Court defendants disposed

	Total
Belfast	164
Londonderry	75
Antrim	74
Fermanagh and Tyrone	85
Armagh and South Down	48
Ards	58
Craigavon	105
Total	609

Table 5 - Waiting times in days

	Committal to hearing - days	Conviction to disposal - days	Total defendants disposed
Belfast	164	62	145
Londonderry	224	72	72
Antrim	164	65	72
Fermanagh and Tyrone	186	44	82
Armagh and South Down	160	47	46
Ards	111	74	51
Craigavon	120	45	101
Total	162	58	569

[1] Excludes defendants who had a bench warrant or deferred sentence

Table 6 - Crown Court defendants disposed by judge type

	Judicial Level		Total
	County Court Judge	High Court Judge	
Belfast	156	8	164
Londonderry	75	0	75
Antrim	73	1	74
Fermanagh and Tyrone	85	0	85
Armagh and South Down	48	0	48
Ards	58	0	58
Craigavon	105	0	105
Total	600	9	609

**Table 7 - Crown Court defendants disposed
by charge type**

All Offences Against the Person	78
All Sexual Offences	54
All Burglary Offences	25
All Robbery Offences	4
All Theft Offences	16
All Fraud and Forgery Offences	34
All Criminal Damage Offences	9
All Offences Against the State	6
All Other Offences	23
All Drug Offences	92
All Motoring Offences	20
All Non-Police Offences	1
Combination of charges	247
Total	609

Table 8 - Outcome of Crown Court Defendants

	Plea of guilty on all charges	Plea of not guilty on at least one charge - found guilty on at least one charge	Plea of not guilty - acquitted on all charges	All charges withdrawn	Total
Belfast	63	77	24	0	164
Londonderry	18	41	16	0	75
Antrim	21	45	8	0	74
Fermanagh and Tyrone	32	39	14	0	85
Armagh and South Down	16	22	10	0	48
Ards	23	31	4	0	58
Craigavon	52	38	15	0	105
Total	225	293	91	0	609

Table 9 - Crown Court sitting times

		Number of sittings	Total time
	Belfast	230	664:42
	Londonderry	65	157:00
	Antrim	92	216:59
	Fermanagh and Tyrone	93	315:35
	Armagh and South Down	85	223:25
	Ards	86	261:40
	Craigavon	93	216:56
Total		744	2056:17

APPENDIX 2 - EXPLANATORY NOTES

Acquittal

A judgement or verdict that a person is not guilty of the crime with which they have been charged

Arraignment

The procedure by which the defendant has criminal charges formally put to him before the judge at the Crown Court and he enters his plea of guilty

Committal

The procedure by which a person is returned for trial to the Crown Court by the magistrates' court, if the magistrates' court is satisfied that there is a case to answer.

County court judge

A judge who sits in the county court and the Crown Court.

Day sat

This is a day on which a judge sat to hear court business. The information is organised into the various types of court business that a judge hears. The judge's day may consist of one or more sittings, at one or more court venues.

Disposed

The date the case is finally dealt with via a court or non-court result and the case is no longer in the court process.

High Court Judge

A judge who sits in the High Court and the Crown Court to hear and determine civil, family, and criminal business.

Hybrid charge

This is also referred to as a 'triable-either-way' offence. A criminal offence that may be prosecuted either summarily (in the magistrates' court) or on indictment (in the Crown Court). In the majority of cases, the prosecution decides how the offence is tried depending on the seriousness of the offence.

Indictable charge

A serious criminal offence where the defendant is usually tried in the Crown Court.

Indictable triable summarily charge

A serious criminal offence where a defendant can be tried in the Crown Court but may in some instances be tried in a magistrates' court.

Justice & Security Act 2007

Legislation which replaced the Terrorism Act 2000 which makes provision for non-jury trials.

Plea

The response a defendant gives after criminal charges have been put to him e.g. "guilty" or "not guilty."

Scheduled

A scheduled offence is one which is listed in Schedule 9 of the Terrorism Act 2000 and which, if it is tried on indictment, will be heard by a judge sitting without a jury. This has been replaced by the Justice and Security Act 2007.

Sitting

This is a period of work by a judge in a single courtroom on a single day. Several types of business may be heard at one sitting. Business heard in different courtrooms, whether at the same venue or elsewhere, is counted as separate sittings.

Withdrawn

An order which removes a case from court, for a variety of reasons. The court action then ceases.

Analytical Services Group,

Northern Ireland Courts and Tribunals Service,

Department of Justice

4th Floor, Laganside House

23-27 Oxford Street,

Belfast BT1 3LA

Email: caroline.darragh@courtsni.gov.uk

Telephone: 028 9072 8927

Research and Statistical Bulletin 01/2017