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Analytical Services Group

Case Processing Time for Criminal Cases dealt with at Courts in Northern Ireland 2016/17

Research and Statistical Bulletin 2/2018

I Graham

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Produced by Analytical Services Group,
Department of Justice.

For further information write to:

**Analytical Services Group,
Laganside House,
Oxford Street,
Belfast BT1 3LA**

Telephone: 028 9072 4530

Email: statistics.research@justice-ni.x.gsi.gov.uk

This bulletin is available on the Internet at:

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KEY FINDINGS

This bulletin presents data on the average¹ Case Processing Time for Criminal Cases dealt with in the Crown and magistrates' courts in Northern Ireland for the year 1 April 2016 – 31 March 2017.

- In 2016/17, the median time taken for a case to be disposed, at **all courts**, from the date the offence was reported, was 165 days. This is an increase of 13.0% from the median of 146 days taken in 2015/16.
- In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **charge cases disposed at Crown Court**, was 476 days. This is an increase of 6.7% from the median of 446 days taken in 2015/16.
- In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **summons cases disposed at Crown Court**, was 776 days. This is an increase of 10.2% from the median of 704 days taken in 2015/16.
- In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **charge cases disposed at adult magistrates' courts**, was 71 days. This is an increase of 1.4% from the median of 70 days taken in 2015/16.
- In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **summons cases disposed at adult magistrates' courts**, was 193 days. This is an increase of 7.8% from the median of 179 days taken in 2015/16.
- In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **charge cases disposed at youth magistrates' courts**, was 117 days. This is an increase of 3.5% from the median of 113 days taken in 2015/16.
- In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **summons cases disposed at**

¹ Average is measured as the median number of days taken, i.e., the number of days at which 50% of cases has been completed.

youth magistrates' courts, was 237 days. This is an increase of 4.9% from the median of 226 days taken in 2015/16.

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1. INTRODUCTION

This bulletin presents data on the average² Case Processing Time for Criminal Cases dealt with in the Crown and magistrates' courts in Northern Ireland for the year 1 April 2016 – 31 March 2017. The intention of the publication is to show the impact on performance over time of key 'speeding up justice' initiatives put in place through law reform and through administrative and practice improvements. It aims to provide an overview of the time taken for a case to be disposed at court from the date that case began its journey through the criminal justice system, based on a start point of the date the offence was reported to, or detected by, the PSNI. Analysis is also provided in relation to case type, i.e., whether it was a charge or summons case, and in relation to the type of court in which the case was disposed, i.e., Crown Court, adult magistrates' courts or youth magistrates' courts. Findings for the 2016/17 year have been compared with those for cases disposed in 2015/16.

2. BACKGROUND

Speeding up the criminal justice system has been a priority since the devolution of responsibility for policing and justice in April 2010. This matters for a number of reasons.

- First, the criminal justice system in Northern Ireland is slower than in England and Wales. Although our systems are somewhat different, there is a clear need to take steps to tackle avoidable delay.
- Second, the speed of the system matters to victims and witnesses, their families and communities.
- Third, the speed of the system is important to offenders as well, as early resolution of their case can help with an offender's understanding of the implications of their actions.
- Fourth, the timely completion of cases contributes to confidence in the criminal justice system.

² Average is measured as the median number of days taken, i.e., the number of days at which 50% of cases has been completed.

- Finally, Northern Ireland needs to continue to contribute towards implementation of goal 16 of the UN 2030 sustainable development goals, which requires urgent action to ‘Promote peaceful and inclusive societies for sustainable development, provide access to justice for and build effective, accountable and inclusive institutions at all levels’.

The impact of a successful reduction in the time taken to complete criminal cases can be profound for individuals who find themselves in the justice system for reasons mentioned above. Importantly, the reduction in time may lead to a safer community and increased confidence in the justice system, whereby offenders are prosecuted and held responsible for their crimes in the fastest time possible, commensurate with the principles of a fair and just process.

The Criminal Justice System operates to high standards, with protections for the rights of victims and offenders, including, *inter alia*, strict requirements on the prosecution service regarding which cases they should prosecute (e.g. prosecutors must have sufficient evidence to meet a robust burden of proof, provide a realistic prospect of conviction and be convinced that bringing a case is in the public interest). Despite these protections, however, there remains an outstanding issue of avoidable delay, both as an issue of rights (the right to a fair trial includes the right to be heard within a reasonable time) and as a way to build confidence in the justice system.

3. METHODOLOGY AND COUNTING RULES

3.1 Introduction

The criminal justice system is designed to deliver various appropriate disposals when a defendant has been found guilty for an offence. Diversion and the operation of discretion ensure that lower level offending is subject to early and proportionate actions. At this early stage, many cases are diverted from the more formal justice system into an out of court disposal option, for reasons of public policy or for the good of the broader public.

For cases that do proceed to prosecution at court, there are two main courts in Northern Ireland—the Crown Court and magistrates' courts (both adult and youth). As the division of cases between the two types of courts depends primarily on the offence type and the length of sentence which may be imposed, the time taken for a case in the Crown Court may be longer than that seen in magistrates' courts. Further, there are additional cases that may proceed to prosecution but which do not reach the end of the full court process, due either to lack of sufficient evidence or because the charge is withdrawn.

Cases may be brought to court by way of summons or charge and may end up having their case heard in various types of court. However, despite differences in the types of court, the types of offences and the method by which a defendant is brought to court, the process through which a case proceeds from offence reported to case disposed is generally the same (detailed in Figure 1 below).

The offence is first reported to the police, or detected by the police, (offence reported), after which an investigation is conducted. Subject to the outcome of that investigation the police may charge a suspect, or inform the suspect that they are to be reported to the Public Prosecution Service (PPS) who will review the case and take a decision as to whether or not to instigate a prosecution (charged/informed). When the police have collected enough evidence, a case file will be prepared and submitted to the PPS (PPS submission). The PPS then must apply the test for prosecution and decide whether to prosecute (PPS decision). If the PPS decides to prosecute, a first court date will be set (first court appearance) and the case will proceed through the court as normal (with the examination of evidence and witnesses and opportunities for both the prosecution and defence to make their cases). The process concludes when a decision is made by the court. A case is disposed of in court when a defendant is either acquitted, or if the defendant is convicted, when a sentence has been handed down (court disposal).

It is important to note however, that cases instigated by way of police charge (rather than reported to PPS), will ordinarily appear in court prior to PPS taking a prosecution decision. In general, the purpose of such pre-prosecution decision hearings is to determine issues such as bail or remand. For the purpose of this

bulletin therefore, in cases brought before the court by way of charge, the date of the first court appearance relates to the first occasion on which the case appears in court after the PPS has taken a decision to prosecute. In effect therefore, the data ignores court appearances which occur before a prosecution decision is taken. The Department has adopted this approach, with the agreement of criminal justice partners, in order to provide a better basis for comparing charge cases with reported cases.

Figure 1: Process Map from Offence Reported to Court Disposal



3.2 What counts as a case?

The figures reported in this bulletin, relate to cases disposed at court in the year specified, where the case was prosecuted by the Public Prosecution Service on behalf of PSNI, Harbour Police, Airport Constabulary or the National Crime Agency.

For the purposes of the statistics analysed in this publication, a case may be considered to commence when an offence is first reported to, or detected by, the Police Service of Northern Ireland (PSNI), Harbour Police, Airport Constabulary or the National Crime Agency. The case then proceeds through the various stages of the criminal justice system until it is considered disposed, as a result of a prosecution at court. The time period measured therefore, is the number of calendar days from Offence Reported Date to Courts Disposal Date for cases disposed at courts in the 12 months ending in the year specified in the tables. Court recess dates are not taken into account.

Cases disposed of through an out of court disposal, or which do not reach the end of the full court process for the reasons listed above, do not go through the standard stages of the court system and, as such, are not directly comparable with cases that have gone through the judicial system. Similarly, cases relating to breaches of court orders previously imposed are not included in the dataset, as they relate to a

previous offence and have not proceeded through the various stages in the criminal justice process in the same way that cases relating to other offences may have.

The court processing time dataset is based on the principal offence (main offence) at conviction. Where an offender is convicted of several offences on the same occasion, only one offence, the principal offence, is counted. The basis for selection of the principal offence is laid down in rules issued by the Home Office. In summary, the rules stipulate that only offences with an admission or finding of guilty are included and the principal offence is usually taken as that for which the greatest penalty was imposed. Where there is no conviction as a result of a prosecution, the principal offence is generally taken as the one which might have drawn the most severe penalty, should a conviction have occurred. The methodology for calculation of the principal offence may be found at:

<https://www.justice-ni.gov.uk/publications/methodology-paper-adoption-and-implementation-principal-offence-northern-ireland>.

The offence counted and used in the compilation of figures in this bulletin is the one on which the court took its final decision. In relation to convictions, this is not necessarily the same offence as that for which the defendant was initially prosecuted. The decision recorded is that reached by the court and takes no account of any subsequent appeal to a higher court.

3.3 Data source

The data used in this bulletin were taken from the Causeway Data Sharing Mechanism (DSM1). They were extracted primarily based on records contained on the Criminal Records Viewer (CRV). The CRV is held on Causeway and utilises data which originated in the PSNI, PPS and from Northern Ireland Courts and Tribunals Service. Causeway is an interconnected information system, launched as a joint undertaking by the Criminal Justice Organisations (CJOs) in Northern Ireland.

3.4 Data quality and validation

Although numerous validation exercises have been conducted in relation to the data underpinning this publication to ensure data quality, the statistics contained in this publication nevertheless still originate from various administrative data sources which

have different purposes, aims and objectives and are kept for non-statistical purposes (e.g. CRV is maintained for reviewing and vetting individuals' criminal records). Caution should therefore be exercised when considering any figures reported.

3.5 Interpreting the data

Figures reported relate primarily to the average time taken, from Offence Reported Date to Courts Disposal Date. The form of average reported on in this paper is the median or the value below which 50 per cent of cases were completed. Figures for the time taken to deal with cases at the 80th and 90th percentiles (the time taken for 80% and 90% of cases to be dealt with respectively) are also reported. The median is used as the measure of average in relation to this measure in order to remove the possible skew caused by cases that may, for various reasons, take an inordinately long time to process or complete. That is, when there are a few cases that have taken a long time to complete, measurement of the mean of time taken for cases from the date the offence was reported to the date the case is disposed at court may result in a distribution curve with a long tail. For example, the 'average' number of days taken to complete a case in 2015/16, when measured using the median was 146 days, compared to 208 days when measured using the mean.

3.6 Statistical coverage

The data included in the bulletin are based on cases resulting in a conviction in a court, where the conviction did not end in a subsequent diversion, and which were recorded as completed in Northern Ireland for the year 1 April 2016 – 31 March 2017. Statistical coverage is restricted to those criminal prosecutions which were brought on behalf of the Police Service for Northern Ireland, the National Crime Agency, the Airport Constabulary or Harbour Police. As already stated, cases relating to breaches of court orders previously imposed are not included, nor are cases that end in an out of court disposal. Further, prosecutions brought by government departments, public bodies and private individuals are not included, as their prosecution is beyond the remit of the Department of Justice.

4. MAIN FINDINGS

4.1 Overview

There are two types of courts examined in this publication—the Crown Court and magistrates’ courts (both adult and youth)—which have separate remits and hear particular types of cases. Generally speaking, the Crown Court hears more serious, high-level and complex cases and magistrates’ courts hear lower level cases. The division between the two primarily depends on the offence type and the length of sentence which may be imposed. Consequently, the time taken for a case in the Crown Court is often longer than that seen in the magistrates’ courts. This is examined later in this bulletin.

4.2 Number of Included Cases

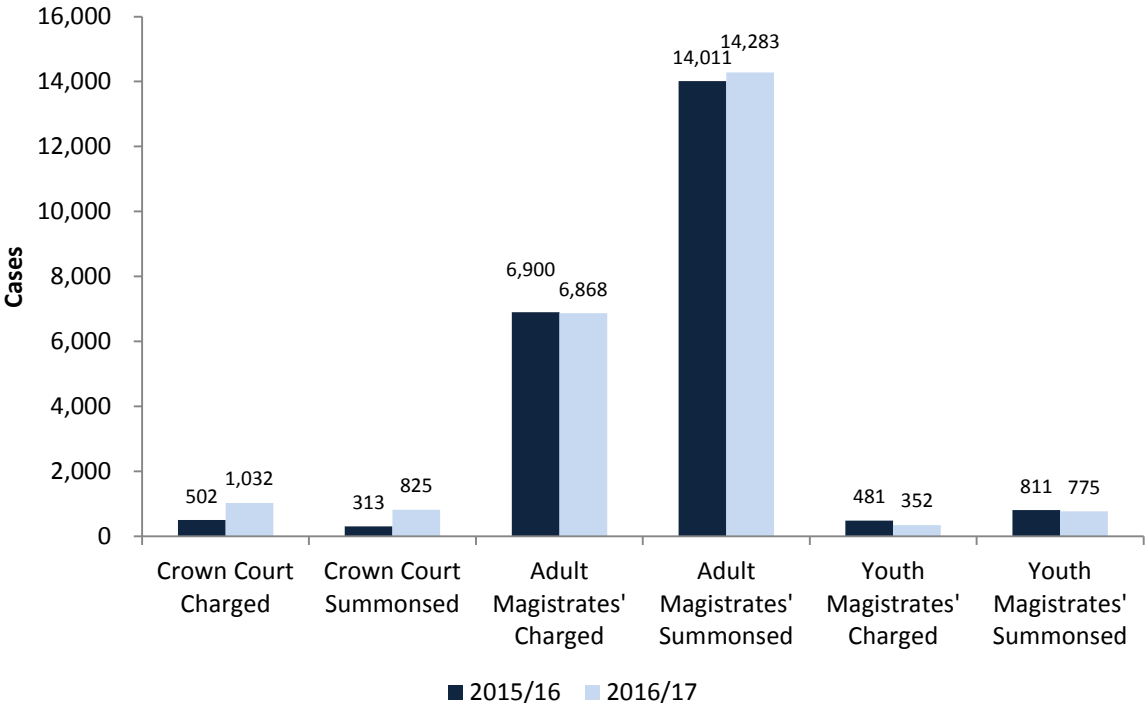
The count of cases included in calculations in this bulletin relates only to those specified in the methodological section of the bulletin and should not be taken as the total number of cases disposed by courts during the periods reported. The nature of these cases is highlighted in the counting rules section of this bulletin. In summary, they include cases prosecuted by PPS on behalf of PSNI which were resolved at court and did not result in an out of court disposal, less those resulting from a breach of a previous court order, where there was complete relevant information available.

In 2016/17, the number of overall cases completed was 24,135, an increase of 4.9% from the total of 23,018 cases in 2015/16. For all cases at the Crown Court level, there were 1,857 cases completed. This was a 127.9% increase on the number of cases (815) from 2015/16. This increase can be seen across both types of Crown Court cases—charged and summonsed—with a 105.6% increase (from 502 to 1,032) in the Crown Court charged cases and a 163.6% (from 313 to 825) increase in the Crown Court summonsed cases.

The increase, while startling, may be explained at least in part by the ending of the legal aid dispute and efforts by the courts to move a large number of cases through

the system quickly, in order to remove the backlog caused by the dispute. For magistrates' courts, the differences are much less substantial. The adult magistrates' charged court saw a decrease of 0.5% (from 6,900 to 6,868 cases), while the adult magistrates' summonsed court experienced an increase of 1.9% (from 14,011 to 14,283 cases). Finally, the youth magistrates' charged court decreased by 26.8% (from 481 to 352 cases) and the youth magistrates' summonsed court decreased by 4.4% (from 811 to 775 cases) (Figure 2).

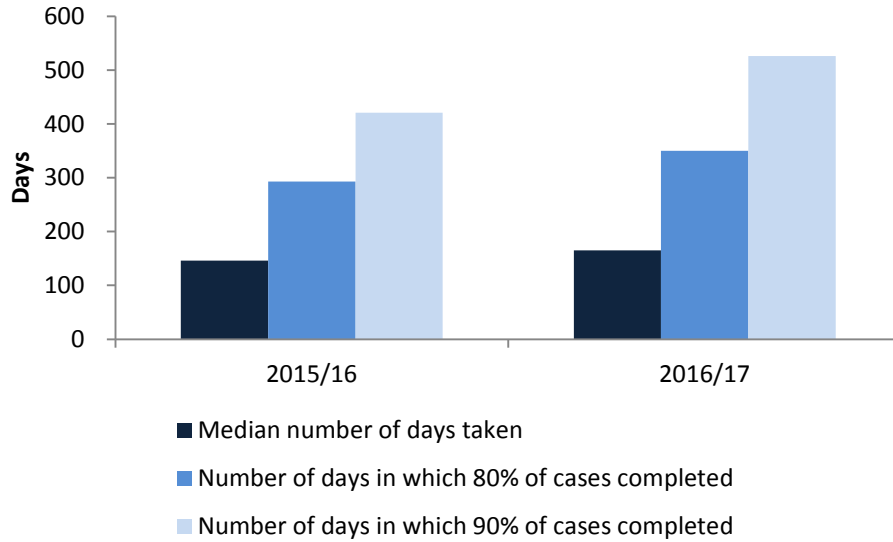
Figure 2: Number of Included Cases by Court Type (All Courts), 2015/16 – 2016/17



4.3 All Cases – Time Taken

In 2016/17, the median time taken for a case to be disposed at court from the date the offence reported, in relation to **all courts**, was 165 days. This is an increase of 13.0% from the median of 146 days taken in 2015/16. At the 80th percentile, the number of days taken for a case to be completed in 2016/17 was 350 days, an increase of 19.4% from the figure of 293 days recorded for cases completed in 2015/16.

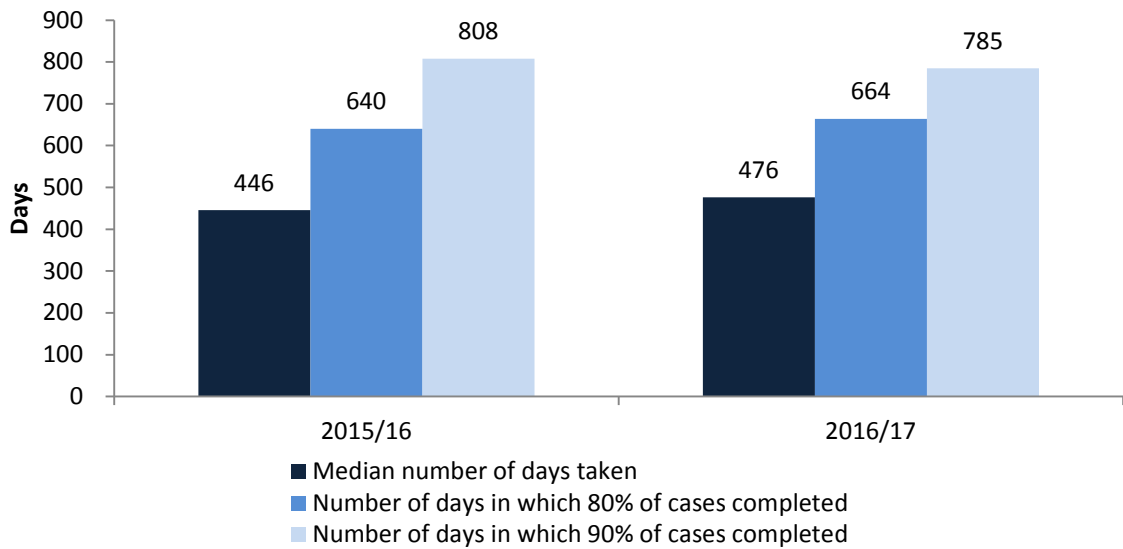
Figure 3: Time taken for all cases from date incident reported to disposal at court, 2015/16 – 2016/17



4.4 Crown Court Cases – Time Taken

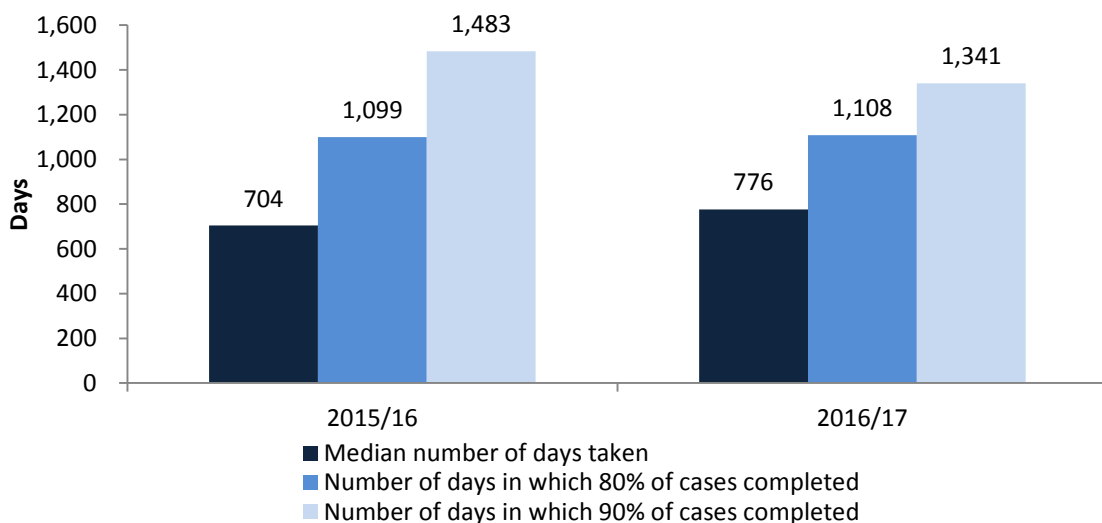
In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **charge cases disposed at Crown Court**, was 476 days. This is an increase of 6.7% from the median of 446 days taken in 2015/16. At the 80th percentile, the number of days taken for a case to be completed in 2016/17 was 664 days, an increase of 3.8% from the figure of 640 days recorded for cases completed in 2015/16 (Figure 4).

Figure 4: Time taken for Crown Court charge cases from date incident reported to disposal at court, 2015/16 – 2016/17



In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **summons cases disposed at Crown Court**, was 776 days. This is an increase of 10.2% from the median of 704 days taken in 2015/16. At the 80th percentile, the number of days taken for a case to be completed in 2016/17 was 1,108 days, an increase of 0.8% from the figure of 1,099 days recorded for cases completed in 2015/16 (Figure 5).

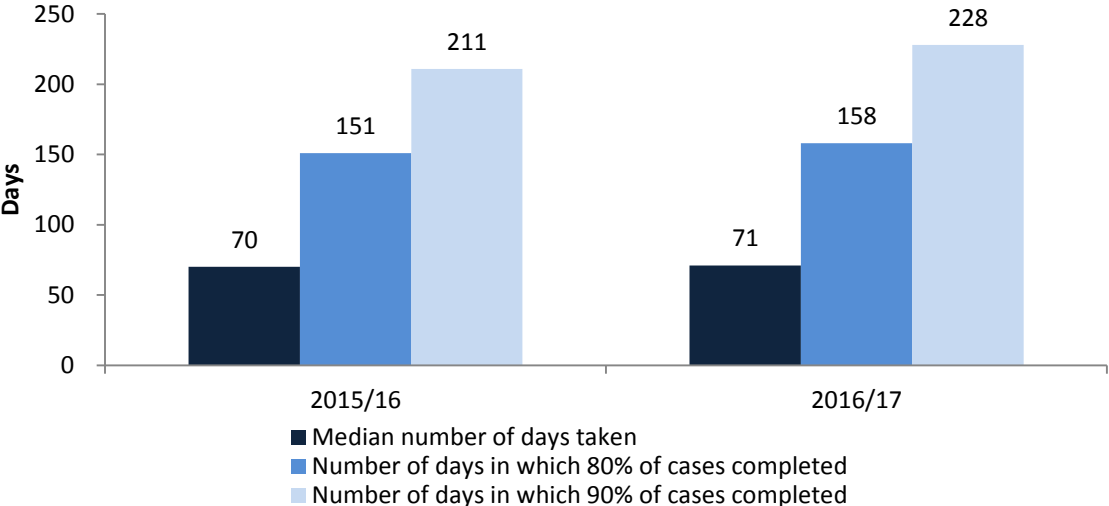
Figure 5: Time taken for Crown Court summons cases from date incident reported to disposal at court, 2015/16 – 2016/17



4.5 Magistrates' Adult Courts – Time Taken

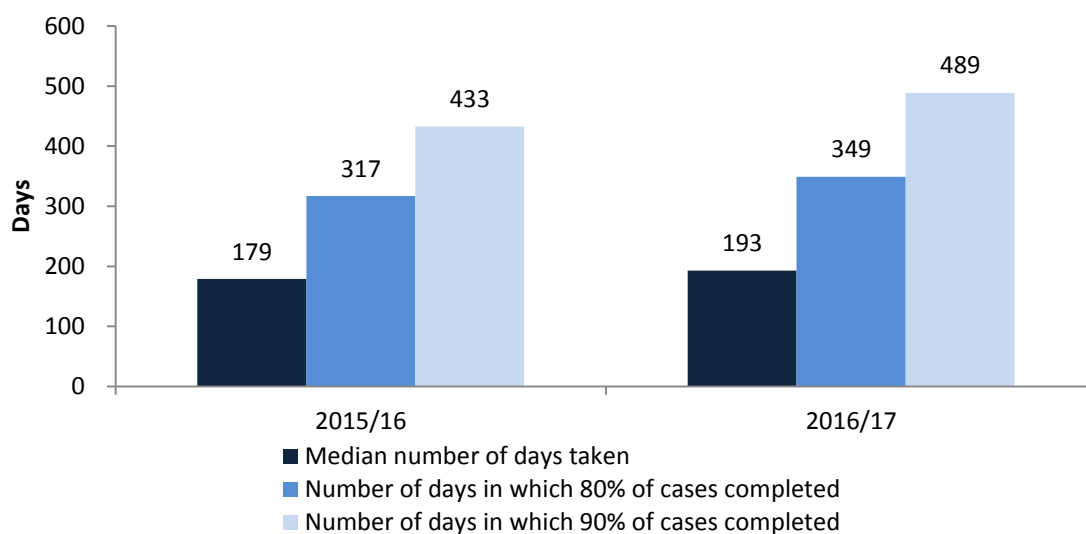
In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **charge cases disposed at adult magistrates' courts**, was 71 days. This is an increase of 1.4% from the median of 70 days taken in 2015/16. At the 80th percentile, the number of days taken for a case to be completed in 2016/17 was 158 days, an increase of 4.6% from the figure of 151 days recorded for cases completed in 2015/16 (Figure 6).

Figure 6: Time taken for Magistrates' Court adult charge cases from date incident reported to disposal at court, 2015/16 – 2016/17



In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **summons cases disposed at adult magistrates' courts**, was 193 days. This is an increase of 7.8% from the median of 179 days taken in 2015/16. At the 80th percentile, the number of days taken for a case to be completed in 2016/17 was 349 days, an increase of 10.1% from the figure of 317 days recorded for cases completed in 2015/16 (Figure 7).

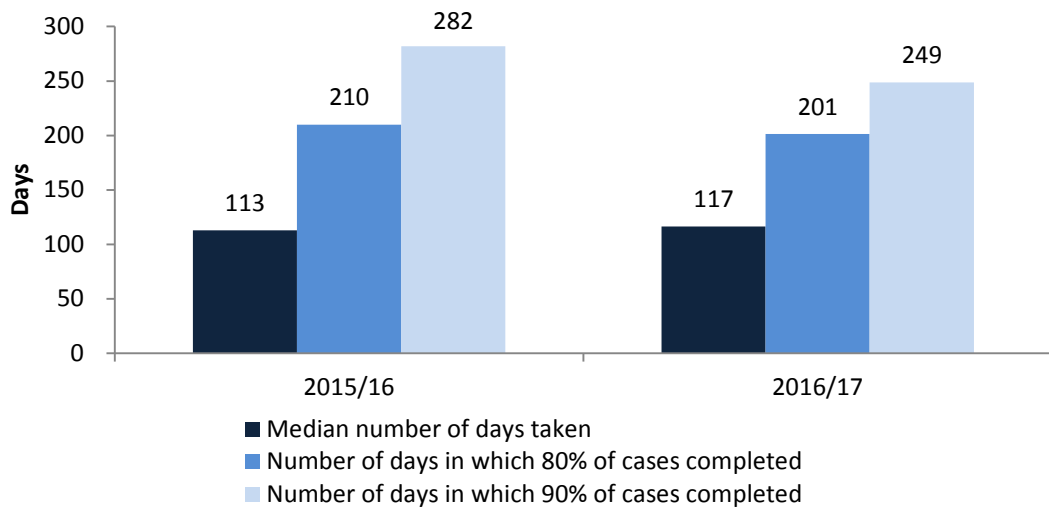
Figure 7: Time taken for Magistrates' Court adult summons cases from date incident reported to disposal at court, 2015/16 – 2016/17



4.5 Magistrates' Youth Courts – Time Taken

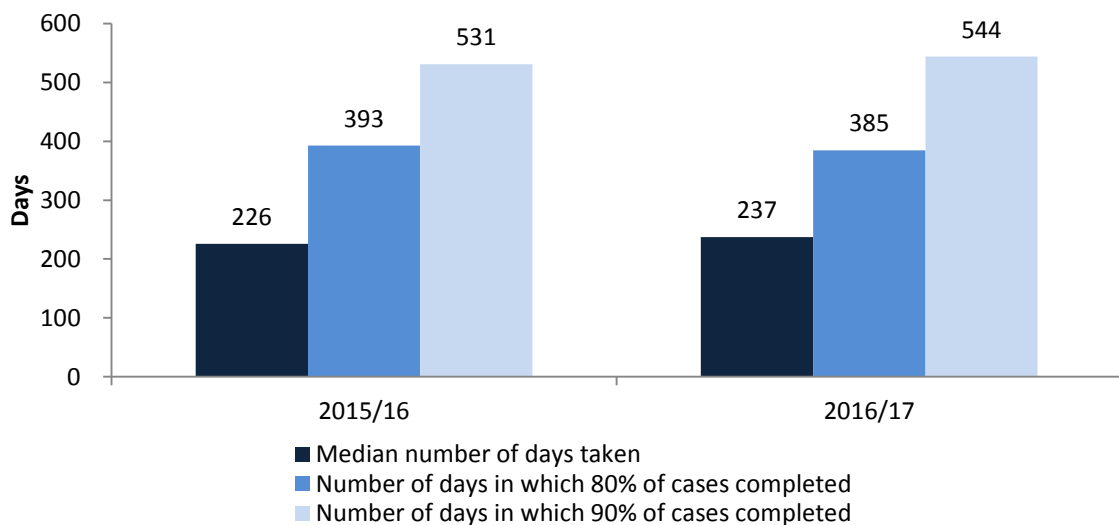
In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **charge cases disposed at youth magistrates' courts**, was 117 days. This is an increase of 3.5% from the median of 113 days taken in 2015/16. However, at the 80th percentile, the number of days taken for a case to be completed in 2016/17 was 201 days, a decrease of 4.3% from the figure of 210 days recorded for cases completed in 2015/16 (Figure 8).

Figure 8: Time taken for Magistrates' Court youth charge cases from date incident reported to disposal at court, 2015/16 – 2016/17



In 2016/17, the median time taken for a case to be disposed at court from the date the offence was reported, in relation to **summons cases disposed at youth magistrates' courts**, was 237 days. This is an increase of 4.9% from the median of 226 days taken in 2015/16. However, at the 80th percentile, the number of days taken for a case to be completed in 2016/17 was 385 days, a decrease of 2.0% from the figure of 393 days recorded for cases completed in 2015/16 (Figure 9).

Figure 9: Time taken for Magistrates' Court youth summons cases from date incident reported to disposal at court, 2015/16 – 2016/17



APPENDIX 1

Table 1: Time taken for all cases from date incident reported to disposal at court, 2015/16 – 2016/17

| Offence Reported date to Court Disposal date | 2015/16 | 2016/17 |
|--|------------|------------|
| Number of cases | 23,018 | 24,135 |
| Median number of days taken | 146 | 165 |
| Number of days in which 80% of cases completed | 293 | 350 |
| Number of days in which 90% of cases completed | 421 | 526 |

Table 2a: Time taken for Crown Court charged cases from date incident reported to disposal at court, 2015/16 – 2016/17

| Offence Reported date to Court Disposal date | 2015/16 | 2016/17 |
|--|------------|------------|
| Number of cases | 502 | 1,032 |
| Median number of days taken | 446 | 476 |
| Number of days in which 80% of cases completed | 640 | 664 |
| Number of days in which 90% of cases completed | 808 | 785 |

Table 2b: Time taken for Crown Court summonsed cases from date incident reported to disposal at court, 2015/16 – 2016/17

| Offence Reported date to Court Disposal date | 2015/16 | 2016/17 |
|--|------------|------------|
| Number of cases | 313 | 825 |
| Median number of days taken | 704 | 776 |
| Number of days in which 80% of cases completed | 1,099 | 1,108 |
| Number of days in which 90% of cases completed | 1,483 | 1,341 |

Table 3a: Time taken for Magistrates' Court adult charged cases from date incident reported to disposal at court, 2015/16 – 2016/17

| Offence Reported date to Court Disposal date | 2015/16 | 2016/17 |
|--|-----------|-----------|
| Number of cases | 6,900 | 6,868 |
| Median number of days taken | 70 | 71 |
| Number of days in which 80% of cases completed | 151 | 158 |
| Number of days in which 90% of cases completed | 211 | 228 |

Table 3b: Time taken for Magistrates' Court adult summonsed cases from date incident reported to disposal at court, 2015/16 – 2016/17

| Offence Reported date to Court Disposal date | 2015/16 | 2016/17 |
|--|------------|------------|
| Number of cases | 14,011 | 14,283 |
| Median number of days taken | 179 | 193 |
| Number of days in which 80% of cases completed | 317 | 349 |
| Number of days in which 90% of cases completed | 433 | 489 |

Table 4a: Time taken for Magistrates' Court youth charged cases from date incident reported to disposal at court, 2015/16 – 2016/17

| Offence Reported date to Court Disposal date | 2015/16 | 2016/17 |
|--|------------|------------|
| Number of cases | 481 | 352 |
| Median number of days taken | 113 | 117 |
| Number of days in which 80% of cases completed | 210 | 201 |
| Number of days in which 90% of cases completed | 282 | 249 |

Table 4b: Time taken for Magistrates' Court youth summonsed cases from date incident reported to disposal at court, 2015/16 – 2016/17

| Offence Reported date to Court Disposal date | 2015/16 | 2016/17 |
|--|------------|------------|
| Number of cases | 811 | 775 |
| Median number of days taken | 226 | 237 |
| Number of days in which 80% of cases completed | 393 | 385 |
| Number of days in which 90% of cases completed | 531 | 544 |

Table 5: Time taken for all cases from date incident reported to disposal at court, 2011/12 – 2016/17

| Year | Median time taken (days) |
|----------------|--------------------------|
| 2011/12 | 162 |
| 2012/13 | 159 |
| 2013/14 | 143 |
| 2014/15 | 143 |
| 2015/16 | 146 |
| 2016/17 | 165 |

Source: Department of Justice

Notes:

1. Figures relate to cases disposed at court during the time period specified. Each period is a financial year, running from 1st April to the following 31st March. They relate to the number of calendar days between the listed dates for each table. Court recess dates are not taken into account.
2. Figures relate to cases brought on behalf of the PSNI, Harbour and Airport police in Northern Ireland that resulted in a court disposal.
3. Figures do not include cases where the case was dismissed but a caution was administered, fixed penalty registrations, penalty notices for disorder or cases resulting from a breach of a court order. Successful youth engagement cases were also excluded.

Analytical Services Group,
Financial Services Division,
Department of Justice
Laganside House,
Oxford Street,
Belfast BT1 3LA

Email: statistics.research@justice-ni.x.gsi.gov.uk

Telephone: 028 9072 4530

www.justice-ni.gov.uk