

**Analytical Services Group**  
**Crown Court Bulletin**

**October to December 2018**

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**Provisional Figures**

**C Darragh**

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## EXECUTIVE SUMMARY

- This bulletin provides information on throughput at Crown Courts in Northern Ireland during the period October to December 2018 and commentary on trends observed for this quarter in each year from 2007. On 31<sup>st</sup> October 2016, a single County Court Division called 'The County Court of Northern Ireland' replaced the seven existing County Court Divisions. As a consequence of this change, data contained in the Crown Court Bulletin is now disaggregated solely by Court Office (Processing Office). During the period October to December 2018:
- **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 11<sup>th</sup> February 2016.**
- There were 318 Crown cases received during October to December 2018 (Table 1). This was a 15% increase on the 276 received during October to December 2017. The number of cases disposed has decreased by 15%, from 399 during October to December 2017, to 340 for the same period in 2018 (Table 2).
- The average time from committal to hearing for October to December 2018 was 128 days, compared with 115 days for the same period in 2017. The average time from conviction to disposal was 56 days, compared with 60 days for the equivalent period in 2017. The average waiting times for defendants disposed in the October to December quarter over the last twelve years is outlined in Figure 2.
- County Court Judges disposed of 98% of defendants (414) and during the same quarter last year they disposed of – 99% (484) defendants. 13% of defendants were charged solely with offences against the person while 43% of defendants had a combination of charges. During the same period last year 10% of defendants were charged solely with offences against the person, and 44% of defendants had a combination of charges. The charge types for defendants disposed during October to December 2018 are outlined in Figure 3.
- Of the 423 defendants disposed during October to December 2018, 135 (32%) pleaded guilty to all charges, compared with 181 (37%) during October to December 2017.
- In total there were 722 Crown Court sittings for October to December 2018 compared with 655 for October to December 2017 (an increase of 10%), with a total time of 1,756 hours sat compared with 1,651 hours sat during the same period last year.

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## 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.

### **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 SharePoint 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 2018.

### **2.4 Frequency of Publication**

This bulletin is published on a quarterly basis. The next bulletin will cover the first quarter of 2019 and will be published on 10<sup>th</sup> May 2019.

### **2.5 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.

## **2.6 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.

## **2.7 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.

## **2.8 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:

<https://www.justice-ni.gov.uk/articles/nicts-statistics-and-research>

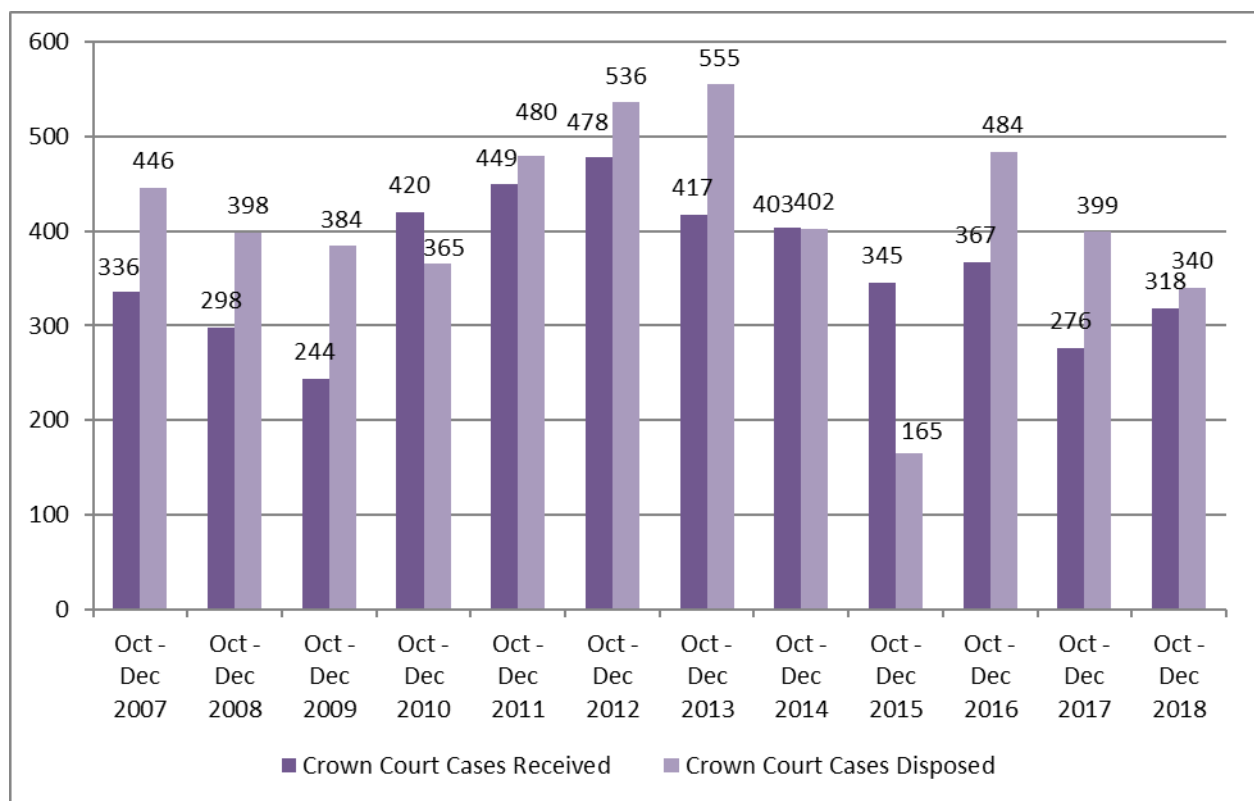
Incorrect figures or changes to this publication will be published on the web in a formal Statistical Notice.

### 3 FINDINGS

#### 3.1 Receipts & Disposals

There were 318 Crown cases received during October to December 2018 (Table 1). This was a 15% increase on the 276 received during October to December 2017. The number of cases disposed has decreased by 15%, from 399 during October to December 2017, to 340 for the same period in 2018 (Table 2). The number of cases received and disposed for the October to December quarter over the last twelve years is outlined in Figure 1.

**Figure 1: Crown Court Cases Received and Disposed: October – December 2007 to October – December 2018**



The trend in Crown Court cases received in the October to December quarter fluctuated between 2007 and 2018, peaking at 478 in 2012. The trend in cases disposed also fluctuated between 2007 and 2018, with peaks in 2013 and 2016. The sharp increase in 2016 was mainly due to the attempts to clear the backlog of cases created as a result of the legal aid dispute.

There were 395 defendants received in the Crown Court during October to December 2018, an increase of 17% on the same period last year, when 339 defendants were received.

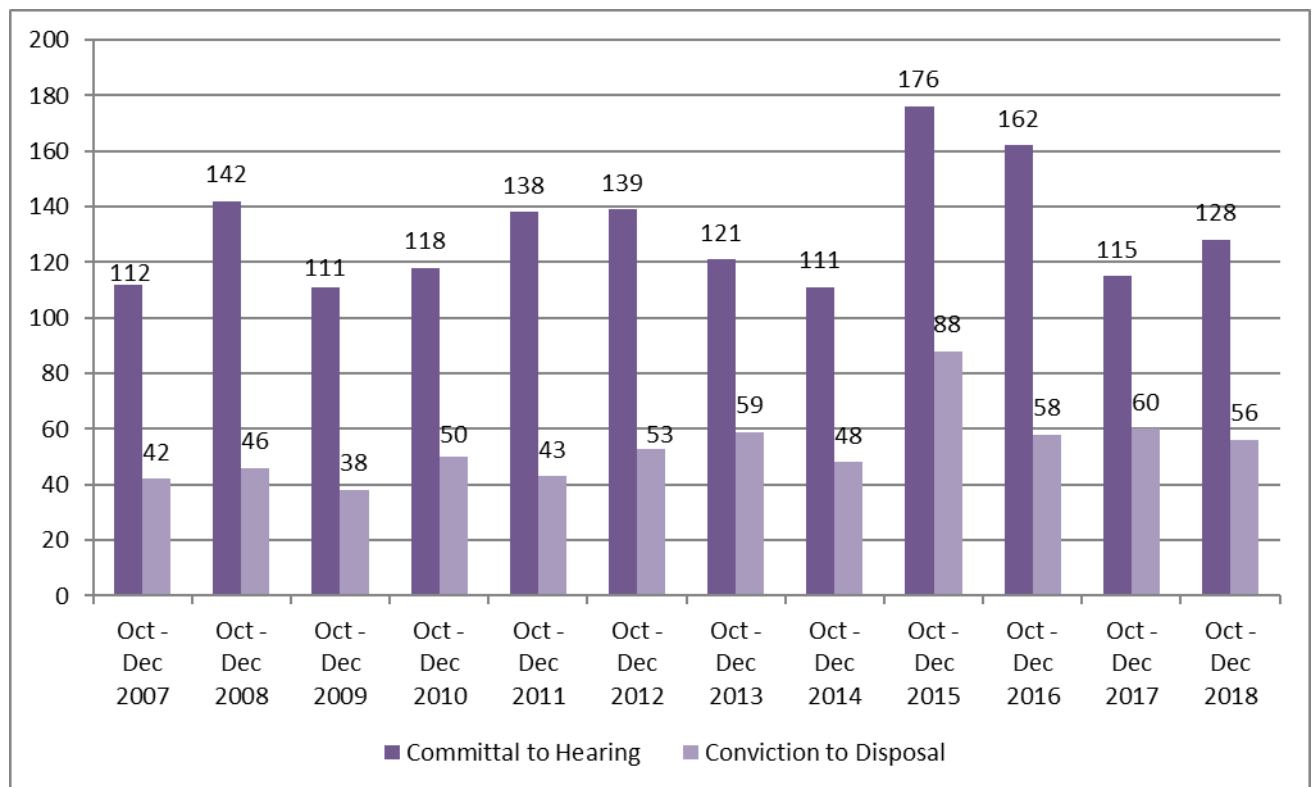


There were 423 defendants were disposed during October to December 2018 a 14% decrease against the same period last year, when 490 defendants were dealt with. The trend in defendants received and disposed fluctuated between 2007 and 2018 with receipts peaking in 2012 and disposals peaking in 2013, and again in 2016. The sharp increase in defendants disposed in 2016, like the cases, was 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 2018 was 128 days, compared with 115 days for the same period in 2017. The average time from conviction to disposal was 56 days, compared with 60 days for the equivalent period in 2017. Average waiting times from committal to hearing have fluctuated over the last twelve 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 fluctuated over the last twelve years ranging between 38 and 88 days.

**Figure 2: Crown Court waiting times in days: October - December 2007 to October - December 2018**



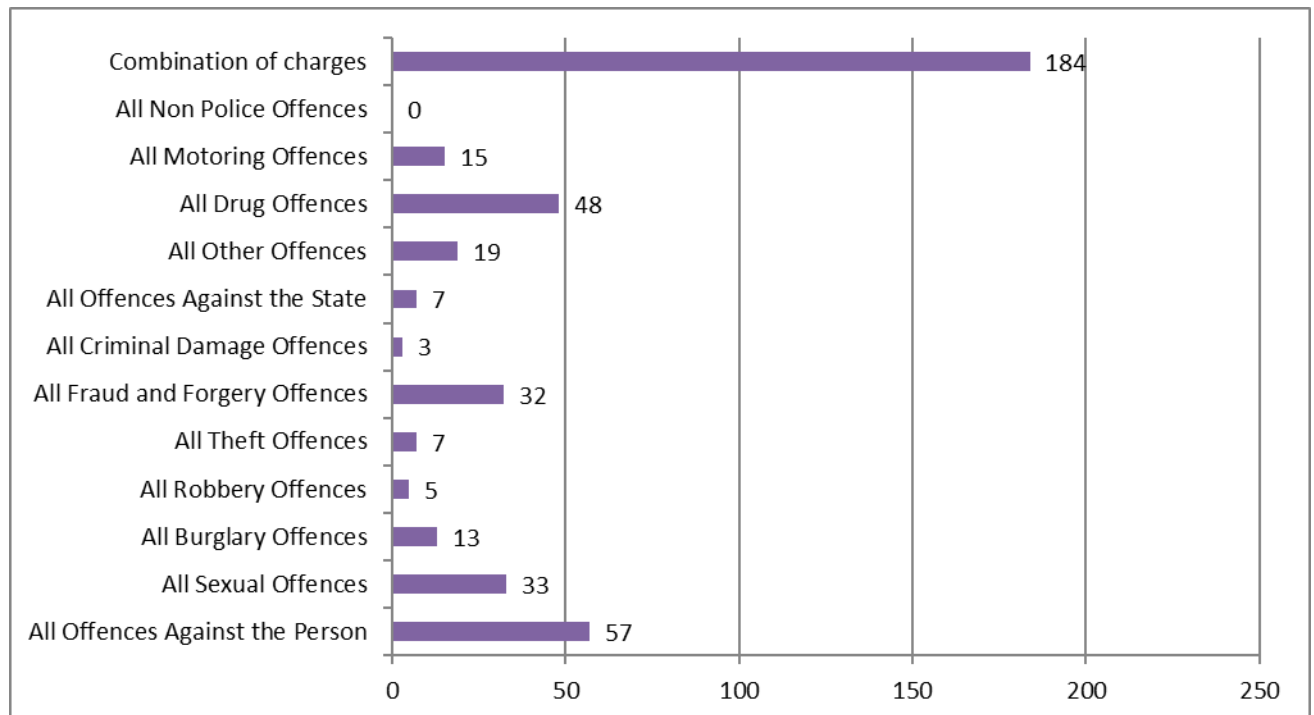
### 3.3 Disposals by Judge Type

County Court Judges disposed of 98% of defendants (414) and during the same quarter last year they disposed of 99% (484) 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 2018, 13% of defendants were charged solely with offences against the person while 43% of defendants had a combination of charges (Figure 3). During the same period last year 10% of defendants were charged solely with offences against the person, and 44% 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 2018 (11%), ranging from 8% to 15% for the October to December quarter between 2007 and 2018.

**Figure 3: Crown Court defendants disposed by charge type: October - December 2018**



### **3.5 Outcome of Defendants**

Of the 423 defendants disposed of during October to December 2018, 135 (32%) pleaded guilty to all charges, compared with 181 (37%) during October to December 2017. In total 82% (347) of defendants pleaded guilty or were found guilty of at least one offence between October and December 2018. Across the twelve year time series, this percentage ranged between 81% and 86%.

### **3.6 Sittings**

In total there were 722 Crown Court sittings for October to December 2018 compared with 655 for October to December 2017 (an increase of 10%), with a total time of 1756 hours sat compared with 1651 hours sat during the same period last year.

## APPENDIX 1

Table 1 - Crown Court cases received

	Total
Antrim	52
Belfast	99
Craigavon	41
Downpatrick	33
Dungannon	29
Londonderry	39
Newry	25
Total	318

Table 2 - Crown Court cases disposed

	Total
Antrim	41
Belfast	107
Craigavon	44
Downpatrick	35
Dungannon	36
Londonderry	33
Newry	44
Total	340

Table 3 - Crown Court defendants received

	Total
Antrim	65
Belfast	119
Craigavon	55
Downpatrick	46
Dungannon	34
Londonderry	46
Newry	30
Total	395

**Table 4 - Crown Court defendants disposed**

	Total
Antrim	51
Belfast	138
Craigavon	54
Downpatrick	43
Dungannon	41
Londonderry	39
Newry	57
<b>Total</b>	<b>423</b>

**Table 5 - Waiting times in days**

	Committal to hearing - days	Conviction to disposal - days	Total defendants disposed
Antrim	112	59	47
Belfast	118	61	126
Craigavon	95	56	50
Downpatrick	89	66	39
Dungannon	94	25	39
Londonderry	170	74	38
Newry	217	40	56
<b>Total</b>	<b>128</b>	<b>56</b>	<b>395</b>

[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	
Antrim	51	0	51
Belfast	130	8	138
Craigavon	54	0	54
Downpatrick	43	0	43
Dungannon	41	0	41
Londonderry	38	1	39
Newry	57	0	57
<b>Total</b>	<b>414</b>	<b>9</b>	<b>423</b>

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

<b>All Offences Against the Person</b>	57
<b>All Sexual Offences</b>	33
<b>All Burglary Offences</b>	13
<b>All Robbery Offences</b>	5
<b>All Theft Offences</b>	7
<b>All Fraud and Forgery Offences</b>	32
<b>All Criminal Damage Offences</b>	3
<b>All Offences Against the State</b>	7
<b>All Other Offences</b>	19
<b>All Drug Offences</b>	48
<b>All Motoring Offences</b>	15
<b>All Non-Police Offences</b>	0
<b>Combination of charges</b>	184
<b>Total</b>	423

**Table 8 - Outcome of Crown Court Defendants**

	<b>Plea of guilty on all charges</b>	<b>Plea of not guilty on at least one charge - found guilty on at least one charge</b>	<b>Plea of not guilty - acquitted on all charges</b>	<b>All charges withdrawn</b>	<b>Total</b>
<b>Antrim</b>	10	32	9	0	51
<b>Belfast</b>	50	65	23	0	138
<b>Craigavon</b>	23	25	6	0	54
<b>Downpatrick</b>	14	27	2	0	43
<b>Dungannon</b>	12	13	15	1	41
<b>Londonderry</b>	16	14	9	0	39
<b>Newry</b>	10	36	11	0	57
<b>Total</b>	135	212	75	1	423

**Table 9 - Crown Court sitting times**

		<b>Number of sittings</b>	<b>Total time</b>
	<b>Antrim</b>	89	238:26
	<b>Belfast</b>	263	717:42
	<b>Coleraine</b>	11	18:21
	<b>Craigavon</b>	70	113:43
	<b>Downpatrick</b>	38	98:05
	<b>Dungannon</b>	82	248:52
	<b>Londonderry</b>	61	108:01
	<b>Omagh</b>	4	9:01
	<b>Newry</b>	91	186:19
	<b>Newtownards</b>	4	9:25
	<b>Royal Courts of Justice</b>	9	8:33
<b>Total</b>		<b>722</b>	<b>1756:28</b>

[2] Data indicate the court venue in which the sitting took place.

## **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.

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