

September 2001

## RECENT TRENDS IN CRIMINAL COURT DELAY

Peter Doak

*In May 2000 the Bureau published a report highlighting significant problems of delay for criminal trial cases in the NSW District Court. The annual Criminal Courts Statistics Report published that year also revealed significant problems of delay for trial cases dealt with in the NSW Supreme Court. The purpose of this brief is to provide an update on trends in trial court delay in New South Wales.*

### OVERVIEW

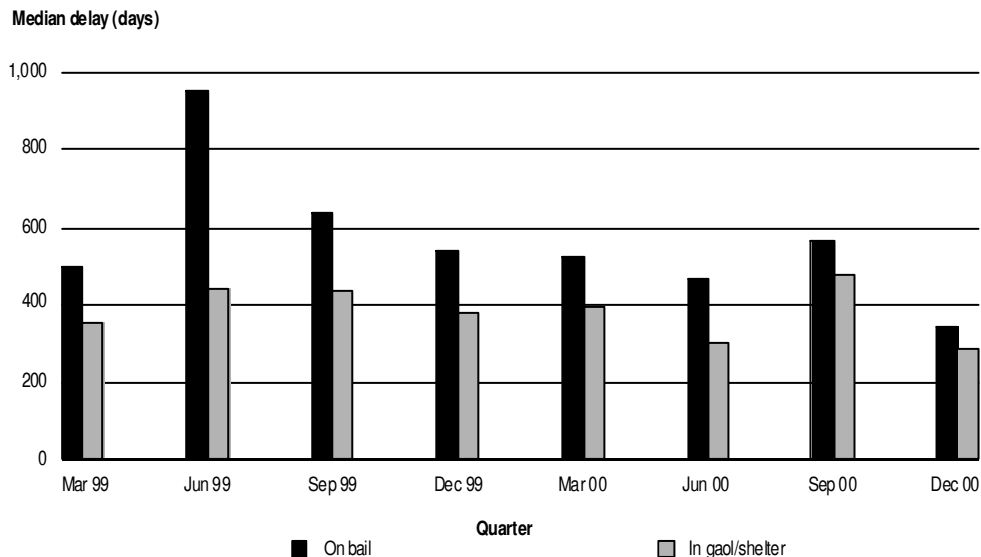
Between 1999 and 2000 there is an overall picture of significant reduction in delay, from date of committal to date of outcome, for criminal trials in both the Supreme and District Courts. The reductions in median delay from committal to outcome apply both to defendants on bail and, except for some minor increases in the District Court, to those in custody. In NSW Local Courts the picture is mixed. There are both increases and decreases. The median delay from first appearance to determination for defended hearings

increased for defendants on bail but decreased for defendants in custody.

### SUPREME COURT

Only a small number of trials are held in the Supreme Court each year. In 2000, there were 62 trials finalised. In 1999, only 47 trials were held. As a result, median delays can be very volatile from month to month. Figure 1 therefore shows quarterly trends in the median delay from committal to outcome, for trials held in the NSW Supreme Court from 1999 to 2000.

**Figure 1: NSW Supreme Court - trial held**  
**Median delay committal to outcome, quarterly, 1999 to 2000**



## On bail

For trials held in the Supreme Court there has been a fall in the delay between committal and outcome for persons on bail. In 1999 the median delay, from committal to outcome, for persons on bail was 632.5 days. The median delay, from committal to outcome, for persons on bail had fallen to 546.0 days in 2000. This represents an overall reduction in delay for trial cases where the accused is on bail of 13.7 per cent. It should be noted that there were reductions in median delay, from committal to outcome, for persons on bail acquitted of all charges (down by 12.7%) and for those found guilty of at least one charge (down by 11.4%).

## In custody

The reduction in median delay, from committal to outcome, was less pronounced for persons held in custody than for persons on bail. However trial delays for cases where the accused is held in custody are

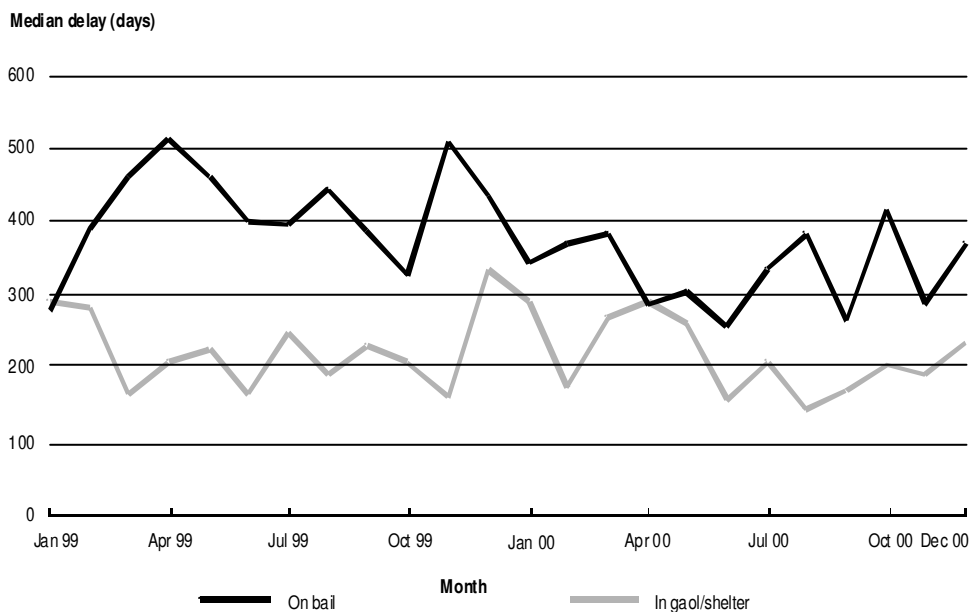
generally shorter than those where the accused is on bail. The median delay, from committal to outcome, for persons in custody was 405.5 days in 1999. In 2000 the median delay fell to 371.0 days, a reduction of 8.5 per cent from the figure in 1999.

Persons in custody and acquitted of all charges experienced a 17.9% decrease in median delay from committal to outcome. For those in custody who were found guilty of at least one charge there was little change, with only a 0.9% decrease in median delay, from committal to outcome.

## DISTRICT COURT

There were 809 trials held in the District Court in 1999 and 731 trials held in 2000. There are therefore many more trials held in the District Court than the Supreme Court. Figure 2 shows the monthly trend in median delay, from committal to outcome, for trials held in the NSW District Court from 1999 to 2000.

**Figure 2: NSW District Court - trial held  
Median delay committal to outcome, monthly, 1999 to 2000**



### On bail

Between 1999 and 2000 there was a 22.8 per cent decrease in the median delay from committal to outcome, for persons on bail (from 434.0 days in 1999 to 335.0 days in 2000). For persons on bail and acquitted of all charges the decrease was 24.0 per cent, while for persons on bail found guilty of one or more charges the decrease was 26.1 per cent.

### In custody

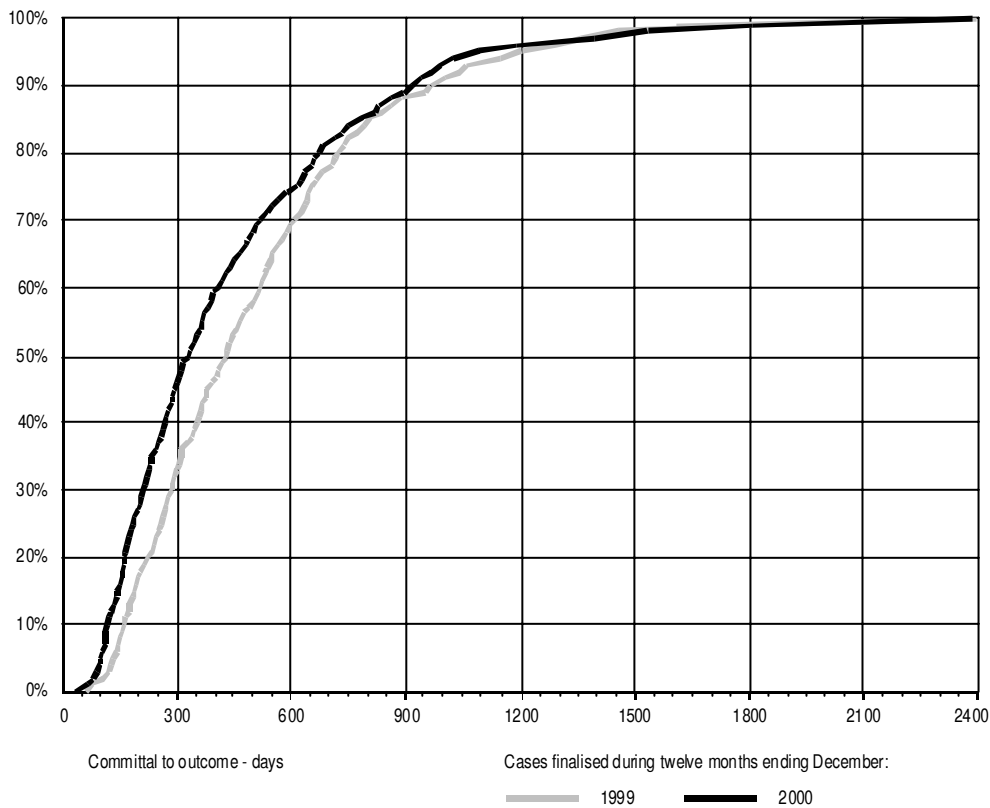
For those persons in custody when their case was finalised there were some minor increases in median delay, from committal to outcome. Again, however, median delays for trial cases where the accused is held in custody are generally shorter than those where the accused is on bail. Overall, the delay increased from 205.0 days in 1999 to 209.0 days in 2000, an increase of 2.0 per cent. There was a large increase for persons acquitted of all charges with a rise from 182.0 days in 1999 to

217.0 days in 2000. This represents an increase of 19.2 per cent. For those persons who were found guilty of at least one charge the median delay, from committal to outcome decreased from 264.0 to 209.0 days, a fall of 20.8 per cent.

### WHICH CASES ARE BEING DEALT WITH FASTER?

Figure 3 shows the cumulative delay distribution for trials held in the NSW District Court, where the defendant was on bail when the case was finalised. The graph shows clearly that for almost every percentile the delay was less in 2000 than in 1999. This strongly suggests that improvements in court delay were achieved across the board rather than simply by clearing the oldest cases. Examination of a cumulative delay distribution graph for trials in the NSW District Court, where the defendant was in custody, reveals a similar, though less pronounced pattern.

**Figure 3: NSW District Court - trial held  
Cumulative delay distribution, on bail, 1999 and 2000**



## LOCAL COURTS

Court delay is a less contentious issue in the Local Courts because cases in the Local Courts, being summary proceedings, are generally dealt with much faster. Because most criminal matters in NSW are determined in the Local Courts there are many more defended hearings in the Local Courts than there are trials in the Supreme or District Courts. In 2000 there were 16,832 defended hearings in NSW Local Courts, down from 17,038 defended hearings in 1999.

### On bail

In 1999 the median delay for persons on bail was 82.0 days for defended hearings. In 2000 the corresponding delay was 84.0 days, an increase of 2.4 per cent. Where all charges were dismissed, the increase was 10.6 per cent (from 94.0 days in 1999 to 104.0 days in 2000). The increasing delay for persons found guilty of at least one charge was much smaller. The median delay increased from 71.0 days in 1999 to 72.0 days in 2000 (an increase of 1.4%). These changes are inconsequential.

### In custody

At defended hearings finalised in NSW Local Courts in 2000 there was a substantial decrease in the median delay from first appearance to determination, where the defendant was in custody, compared with delays in 1999. Overall, the median delay fell by more than half, from 27.0 days in 1999 to 13.0 days in 2000 (a decrease of 51.9%). Where all charges were dismissed the decrease was only 10.7 per cent (from 56.0 days in 1999 to 50.0 days in 2000). Where the defendant was found guilty of at least one charge, the median delay, from first appearance to determination, fell by 66.7 per cent from 21.0 days to only 7.0 days.

## COURT DELAY IN 2001

The improvements in court delay between 1999 and 2000 have continued into 2001. In the March quarter

of 2001 median delay, from committal to outcome, for persons on bail in trials held in the NSW District Court was 317.0 days. This represents a decrease of 5.4 per cent from the 2000 annual median (a 14.1% decrease from the March quarter 2000). For persons in custody the decrease was 13.9 per cent from the 2000 annual median (a 27.4% decrease from the March quarter 2000).

## CONCLUSION

There have been substantial reductions in trial court delay for most classes of case in the Supreme, District and Local Courts of New South Wales. Where delay has increased, the change has generally been minor and has affected cases already being dealt with fairly quickly. It is not possible to identify all the factors which might have produced this reduction. There is little doubt, however, that improved efficiency in caseflow management has played a part. The District Court, in particular, has benefited from a wide range of reforms designed to improve the flow of trial cases. These include the introduction of centralised committal proceedings, reforms to the trial listing process, more flexible judicial vacation arrangement and the appointment of additional judges.

## REFERENCES

- Weatherburn, D. and Baker, J. 2000, *Managing Trial Court Delay: An Analysis of Trial Case Processing in the NSW District Criminal Court*, NSW Bureau of Crime Statistics and Research, Sydney
- NSW Bureau of Crime Statistics and Research 2001, *New South Wales Criminal Courts Statistics 2000*, NSW Bureau of Crime Statistics and Research, Sydney
- NSW Bureau of Crime Statistics and Research 2000, *New South Wales Criminal Courts Statistics 1999*, NSW Bureau of Crime Statistics and Research, Sydney
- Statistical Services Unit, NSW Bureau of Crime Statistics and Research 2001, *Higher Criminal Courts Proceedings, March Quarter 2001* (unpublished)