



DR. DON WEATHERBURN  
DIRECTOR

In reply please quote:

Release date: 20 October 1997

## **MEDIA RELEASE**

### **Hung juries and majority verdicts**

The introduction of majority verdicts by the NSW State Government would save less than two per cent of the time presently spent on criminal matters in the NSW District and Supreme Courts.

This surprising finding is one of the results obtained in the first ever Australian survey of jury voting patterns in criminal trials.

The survey was carried out at the request of the NSW Attorney General by the NSW Bureau of Crime Statistics and Research. The Attorney sought answers to four questions relevant to an assessment of the value of introducing majority verdicts.

The questions were:

1. What proportion of jury trials end in a hung verdict?
2. Are juries more likely to be hung after a long trial?
3. Are juries more likely to be hung after a sexual assault trial?
4. In what proportion of trials overall and hung trials is the jury vote split 11-1 or 10-2?

The Bureau study shows that, while approximately 10 per cent of criminal trials involving a jury end with the jury hung on one or more charges, in most such cases the introduction of majority verdicts by the State Government would not have altered the outcome.

There are several reasons for this. Firstly, in the majority of cases where the jury is hung the vote was fairly evenly divided.

Only 33 per cent of charges on which the jury was hung involved a single dissident voter. A further 10 per cent of cases involved two dissident voters.

More importantly, 18 per cent of charges where the jury was hung involved Commonwealth offences. The Australian Constitution has been interpreted by the High Court to require unanimous verdicts.

The Bureau report shows juries are not more likely to be hung after a sexual assault trial than after any other kind of trial. So the introduction of majority verdicts would provide no special benefits for victims in sexual assault cases.

It does show, however, that juries are more likely to be hung after long trials. The savings in court time which would accrue from introducing majority verdicts are nonetheless limited by the fact that the Director of Public Prosecutions only proceeds to a retrial after a hung jury in about 57 per cent of cases.

*continued over ...*

Commenting on the findings the Director of the Bureau, Dr Don Weatherburn, said that, while the introduction of majority verdicts would probably produce some administrative benefits at best they would only be modest.

‘Given the risk that the introduction of majority verdicts might increase the number of unwarranted convictions or acquittals it may be more profitable to see whether more efficient use can be made of existing trial court capacity’, he said.

**Further enquiries:**

Dr Don Weatherburn: 02 9231 9190 (wk), 0419 494 408 (mob)