

Early Appropriate Guilty Plea reform program - Process evaluation

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SUMMARY

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BACKGROUND

The Early Appropriate Guilty Plea (EAGP) reform program was introduced by the NSW Government on 30 April 2018 to target the systemic issues in the criminal justice system that obstruct the entry of guilty pleas early in the court process and contribute to unnecessary delays in the District Court. This major system-wide reform program has six key elements: (1) the early disclosure of the brief of evidence; (2) charge certification; (3) mandatory criminal case conferencing; (4) continuity of legal representation; (5) statutory sentence discounts; and, (6) Local Court case management.

To determine whether the EAGP reform program is being implemented as planned and which, if any, of the reform elements are critical to achieving the expected outcomes, semi-structured interviews were conducted between 22 June and 30 July 2020 with 35 stakeholders involved in various elements of the EAGP program's implementation.

KEYWORDS

early guilty pleas process evaluation

charge certification

criminal case conferencing

continuous legal representation

sentencing discounts court delay

KEY FINDINGS

Aspects of the EAGP reform program stakeholders consider critical in achieving expected outcomes

EAGP element	Expected outcome of the EAGP reform package				
	Increase in guilty pleas overall	Increase in early guilty pleas	Reduction in time taken to finalise indictable matters	Increase in trial readiness	Reduction in average trial length
	Percentage of stakeholders who consider element to be critical/not critical				
Early disclosure of briefs of evidence	67.6	88.6	80.0	61.8	35.5
Charge certification	48.5	60.0	61.7	52.9	34.4
Mandatory criminal case conferencing	71.9	68.6	64.7	48.5	54.8
Continuous legal representation	51.5	48.5	57.1	72.7	62.5
Three-tiered statutory sentence discount scheme	48.5	51.4	45.7	15.1	6.2
Local Court case management	26.7	28.1	30.3	12.9	3.3

More than 60 per cent of the stakeholders who answered the question considered this element to be critical

Stakeholders report that **the following aspects of the reforms are delivered as intended:**

- prosecutors can determine the most appropriate charge(s) based on the briefs of evidence (100% of 5 relevant stakeholders);
- charges are certified by senior prosecutors (100% of 26 relevant stakeholders);
- mandatory criminal case conferences occur and conference certificates are filed with the court (100% of 26 and 20 relevant stakeholders, respectively); and
- sentence discounts are applied strictly to the timing of the guilty plea (100% of 21 relevant stakeholders).

Some aspects of the EAGP reform program are only partially delivered:

- there are delays in briefs of evidence being served on the Office of the Director of Public Prosecutions (68% of 28 relevant stakeholders) and in the charge certification process (78% of 23 relevant stakeholders);
- there is not always continuity in legal representation from the service of the brief of evidence to case finalisation (53% of 34 stakeholders); and
- magistrates do not always give accused persons explanations of the Local Court committal process and the sentencing discounts (50% of 16 relevant stakeholders).

CONCLUSION

Most elements of the EAGP reform program are being implemented as planned. However, further improvements could be made in order to maximise the benefits achieved by the reforms and monitoring of the program's implementation should continue.