

## Freedom of Information Team

16 November 2023

### REFERENCE: FOI\23\46

Dear Madam,

Thank you for your request for information dated 4th June 2023 and subsequent engagement with the Department in September. Following this initial request and clarification, please see response as detailed below.

*'I would like to submit a request for information using the Freedom of Information Act.*

- 1. Please provide the most up to date figures for the length of time taken for a case to be dealt with in: (a) magistrate's court – charge case & summons case (b) crown court – charge case & summons case*
- 2. Please provide figures for the median length of time taken for cases to be dealt with in all courts over the past three years – 2020/21, 2021/22 & 2022/23 to date*
- 3. What is the longest waiting time for any case to be dealt with over the past three years 2020/21, 2021/2022 & 2022/23 to date – please provide details of the type of case (ie offence type, type of court & length of wait)*
- 4. What is the longest time a case has taken to progress through the crown court over the past three years 2020/21, 2021/2022 & 2022/23 to date.*
- 5. Please provide a breakdown of figures for processing times by offence category highlighting which types of offences have the longest waits & which have the shortest waits.*



6. Please provide an explanation as to why processing times are so low in NI when compared to other parts of the UK.

7. What steps are being taken to improve waiting times

8. Specifically looking at rape cases – how many times have time delays been cited as reasons for a case to collapse or not to be proceeded with – ie the case against Craig Gibson who was due to stand trial for rape at Craigavon Crown Court in May 2023 – in this instance the court heard that it had taken so long to come to trial that the complainant had withdrawn from the case and was refusing to come to court to give evidence.’

Figures provided in relation to parts 1 - 5 of your request are official statistics. The most recent Departmental case processing time statistics were published in August 2023.

1. Please provide the most up to date figures for the length of time taken for a case to be dealt with in: (a) magistrate’s court – charge case & summons case (b) crown court – charge case & summons case

**Average Time taken for cases from date incident reported to disposal at court by case and court type, 2020/21 – 2022/23**

	2020/21	2021/22	2022/23
Crown Court Charge Cases	470	535	561
Crown Court Summons Cases	939	1,029	1,150
Magistrates' Courts Charge Cases	125	109	104
Magistrates' Courts Summons Cases	217	292	256

2. Please provide figures for the median length of time taken for cases to be dealt with in all courts over the past three years – 2020/21, 2021/22 & 2022/23 to date

**Average Time taken for cases from date incident reported to disposal at court for all courts, 2020/21 – 2022/23**

	2020/21	2021/22	2022/23
<b>Median number of days taken</b>	193	226	206



3. *What is the longest waiting time for any case to be dealt with over the past three years 2020/21, 2021/2022 & 2022/23 to date – please provide details of the type of case (ie offence type, type of court & length of wait)*

In order to answer the question around ‘waiting times’, we have used the time taken from the date on which an offence is reported through to that case being dealt with at court. However, whilst it is possible to provide figures in relation to the longest time taken in individual cases, these figures should be treated with caution, as they may not be representative of the time taken for the vast majority of cases to be dealt with. There are a number reasons why individual cases can take a long period of time to complete, such as a defendant absconding or failing to respond to a warrant, or a victim withdrawing engagement from a case for a period of time. Figures have been provided for cases completed in the period 2020/21, 2021/2022 & 2022/23.

The longest time a case took from date offence reported to date case was dealt with at court, for cases dealt with in 2020/21, was 7,050 days. This case was a summons case dealt with at Crown Court. The main offence in the case was a sexual offence.

The longest time a case took from date offence reported to date case was dealt with at court, for cases dealt with in 2021/22, was 7,094 days. This case was a summons case dealt with at Crown Court. The main offence in the case was a sexual offence.

The longest time a case took from date offence reported to date case was dealt with at court, for cases dealt with in 2022/23, was 6,430 days. This case was a summons case dealt with at a magistrates’ court. The main offence in the case was a criminal damage offence.

With the above note of caution in mind, in relation to looking at the longest time taken, a more representative measure might be to quote the length of time at which 90% of cases dealt with in an individual year had been completed. Under that measure, the time taken for a case to complete was 561 days in 2020/21, 746 days in 2021/22 and 769 days for cases completed in 2022/23.



4. *What is the longest time a case has taken to progress through the crown court over the past three years 2020/21, 2021/2022 & 2022/23 to date*

The longest period for a case dealt with at Crown Court, in the years 2020/21 to 2022/23, from date offence reported was as follows:

2020/21	7,050 days
2021/22	7,094 days
2022/23	6,299 days

Again, it is important to note that, in referring to the above, the context provided in answer to question 3 around the caution of using a measure related to individual cases also applies here. Therefore, a more representative measure might be to quote the time at which 90% of Crown Court cases had completed. Under that measure, the time taken for a case to complete was 1,332 days in 2020/21, 1,588 days in 2021/22 and 1,729 days for cases completed in 2022/23.

5. *Please provide a breakdown of figures for processing times by offence category highlighting which types of offences have the longest waits & which have the shortest waits.*

**Average Time taken for cases dealt with at all courts from date incident reported to disposal at court, by offence category, 2020/21 - 2022/23**

<b>Offence category</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Violence Against the Person (VAP)	267	244	234
Sexual	582	742	757
Robbery/Theft/Burglary	259	305	253
Criminal Damage/Public Order	195	209	198
Drugs	229	263	272
Motoring	153	192	164
Other	315	306	378
All cases	193	226	206

Note:

1. Figures 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 disposed at court during the time period specified. Each period is a financial year, running from 1st April to the following 31st March.
3. Figures relate to cases brought on behalf of the PSNI, Harbour and Airport police in Northern Ireland that resulted in a court disposal. Appeals are not included.
4. 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.
5. In some cases, dates relating to offence reported date have been adjusted to equal the date defendant charged/informed. This is because these cases were likely to originally have been fixed penalty cases which resulted in a prosecution, where the fixed penalty process had not been successful. No date for the start of the prosecution process is available from management data in relation to these cases.
6. Figures for the offence categories relate to the main offence in that case.
7. Figures for magistrates' courts include adult and youth magistrates' courts.
8. Offence categories listed relate to the category of the main offence at the point at which the case was completed. This may differ from the category of the main offence at earlier stages in the progression of the case through the judicial system. Information on how the main offence in a case is calculated may be accessed at [Methodology paper on the adoption and implementation of the principal offence in Northern Ireland | Department of Justice \(justice-ni.gov.uk\)](#)

*6. Please provide an explanation as to why processing times are so low in NI when compared to other parts of the UK.*

Reducing the time it takes to complete criminal cases is a challenging and complex issue and reforms take time to embed and for their impact to be seen. Although improvement in delay was noted prior to the Covid-19 pandemic, even as this point it was acknowledged that further progress to speed up justice was required. Between December 2018 and March 2020, the overall average time taken to complete criminal cases had improved from 169 days to 149 days. That was the fastest time since the start of 2016-17 and faster than in 2011-12, the earliest point we have case processing time data. However, the added caseload and delays as a result of the response to the Covid-19 Pandemic have set back progress and partners are currently working together to address the even bigger challenge they now face. Whilst criminal justice organisations responded quickly, under the oversight of the Criminal Justice Board, the pandemic has resulted in



significant backlogs in the system, which will take time to clear. Currently, the caseload moving through the court system is 56% higher than compared to pre-Covid-19 pandemic rates.

The Department of Justice also faces significant budgetary pressures, which have been ongoing for a number of years and impact on the ability to have appropriate levels of staff and to keep pace with the changing culture of crime. The ongoing budgetary constraints and current budgets force the criminal justice system to be reactionary rather than proactive.

#### *7. What steps are being taken to improve waiting times*

Work to recover and speed up the criminal justice system is overseen by the Criminal Justice Board, which includes key justice organisations (PSNI, PPS, NICTS and the Department) and the judiciary. The Department and justice colleagues are finalising a new programme of work targeted at reducing avoidable delay with the system. This work will take forward existing work on committal reform, existing and emerging work in the digital arena and explore other areas for efficiencies such as early engagement, court remits and out of court disposals. This work will build on the new ways of working that were adopted in response to the COVID-19 pandemic, for example, making better use of technology and digital platforms.

*8. Specifically looking at rape cases – how many times have time delays been cited as reasons for a case to collapse or not to be proceeded with – ie the case against Craig Gibson who was due to stand trial for rape at Craigavon Crown Court in May 2023 – in this instance the court heard that it had taken so long to come to trial that the complainant had withdrawn from the case and was refusing to come to court to give evidence.'*

As part of your request, you asked for information 'how many times have time delays been cited as reasons for a case to collapse or not to be proceeded with'. The Department does not hold this information as part of its convictions datasets, so it has not been provided. This information may be held as part of the court file or with other agencies. However, we estimate that to locate, retrieve and extract any information that might be relevant to your request would involve work considerably more than the appropriate limit. This is due to the large number hard copy files that would be required



to be manually checked, to ascertain the reasons which may have caused a case to collapse or not to be proceeded with.

The appropriate limit is specified in regulations and for central government is set at £600. This represents an estimated cost of one person spending 24 working hours, at a cost of £25 per hour, to determine whether the NICTS holds the information, and then retrieve and extract that information.

There were approximately 200 rape prosecutions dealt with at courts that did not result in a conviction, in the years for which information was requested. It is estimated that to search through a hard copy file manually for relevant information, to identify if the reasons a case did not proceed related to delay, it will take one member of staff approximately 45 minutes per file, giving a total of about 150 hours work. At a cost of £25 per hour, this equates to over £3,750 which is higher than the appropriate limit. Consequently, the Department is not obliged to comply with your request under section 12(1) of the Freedom of Information Act, 2000.

Unfortunately it is not possible to suggest ways to refine the scope of your request to bring it within the appropriate limit on this occasion.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DoJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF



The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Yours sincerely

**Freedom of Information Manager**

