



**RCNI Briefing on  
Recording Delay in the  
Criminal Justice System**

**January 2018**

### **Rape Crisis Network Ireland**

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change, and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

### **RCNI Briefing on Recording Delay in the Criminal Justice System – a Summary:**

This document is a summary of relevant available statistics we could find for 2016, the last year for which completed statistics seem to be published by the relevant State agencies, followed by our Commentary thereon.

#### **Statistics:**

#### **1. DPP Annual Report 2016 – Chapter 4, Statistics.**

Delay was examined to a limited extent in this Section. There are two sets of statistics, as follows:

- (a) Chart 4A, page 39: Breakdown of Main Reasons for a Decision not to Prosecute: “Undue delay” (meaning the delay between the offence taking place and its being reported to An Garda Síochána) is cited as one of the reasons for non-prosecution in each of the three years, 2016, 2015 and 2014 – and set out alongside other main reasons in both a table and a series of pie charts, expressed as a percentage; These are not currently disaggregated by offence group. It would be very helpful if sexual offences were separated out from the other offence groups;
- (b) Chart 5, page 41: Time Taken to Issue Directions (from receipt of file from An Garda Síochána) – the mean percentages are given for all offences (ie not per offence group), for each one of the intervals given and for each one of the last three years (2016, 2015, and 2014). Again, it would be very helpful if sexual offences were disaggregated from the other offence groups, and because the volume of cases is larger than for “undue delay”, it would be great if the sexual offence group data were further disaggregated into the different sexual offences;

#### **2. Courts Service Annual Report 2016 – Chapter 3, Statistics – Waiting Times, p 73 et seq**

Mean waiting times are given for each kind of court and within that, for each of the main categories of case (judicial review, criminal trial, etc), usually expressed as the mean time from receipt of summons/charge sheet/other formal document initiating an application to the court – to the first hearing of the case. For each category, the basis of the statistic provided is clearly set out – e g in the District Court for summary criminal matters, waiting time means the time from

receipt of a summons to the date of hearing. It is often possible to compare the figure given with the corresponding figure for the previous year.

With regard to criminal matters, note that offence groups are not disaggregated in this data. It would be great if sexual offences were disaggregated from other types of offences, and within that group, further disaggregated into the different sexual offences.

The data provides a very clear overview of the waiting times for all the main categories of case, from receipt of the appropriate documentation by the court until trial, or till the first hearing of the case.

**3. An Garda Síochána Annual Report 2016:** No statistics on delay/waiting times found.

**4. CSO Crime and Justice Statistics for last quarter 2016:** No statistics on delay/waiting times found.

**Commentary:** it would be very useful for both State agencies and NGOs supporting victims of sexual violence, to have access to disaggregated delay data relating to sexual offences, in the following areas:

- 1.1 The period between the offence taking place and its being reported to An Garda Síochána: it would be good to know whether the current high proportion of disclosure of historic child sexual violence by adults seen in RCCs<sup>1</sup> - is reflected by all victims who report sexual crimes, not just those who are being supported by RCCs. In our view, the time taken by victims of sexual violence to report it to any formal authority should be included as a data point in any prevalence study as RCNI data might be suggesting a downward trend in the gap between offense and reporting for those attending RCCs; Such a trend, if evidenced, would be a positive measure of success.
- 1.2 **Garda Statistics** already have the capacity to record the period between the offence being reported and the investigator's file being sent to the DPP for decision. We should have regular publication of the mean delay, disaggregated by sexual offence type.
- 1.3 Investigations take various lengths of time for a range of good reasons. AGS and CSO should be able to categorise at least the most common reasons into the relevant data points. It is expected that the AGS already keep some internal statistics on these to help monitor and evaluate their own professional performance. We should have firm and reliable statistics on the actual reasons for delays for all victims of sexual crime as well as for other types of offences within the investigative stage.

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<sup>1</sup> According to RCNI National Rape Crisis Statistics Report for 2010, 64.5% of all survivors reporting a single incident of sexual violence, had experienced it as children – the corresponding figure for 2015, the latest available, is 62%. See [www.rcni.ie/publications/research](http://www.rcni.ie/publications/research) for online copies of the relevant Reports

- 1.4 **DPP:** The average time taken to issue directions by the DPP for sexual offences compared to other types of offences: the DPP already records when a file arrives and when a decision is made and thus the mean delays are a matter of drawing down those reports. Disaggregating by sexual offence type may already be feasible within the recording system. If it is not already possible to extract this information from data already being gathered, any necessary additional fields should be added.
- 1.5 **Court Services data:** The average time between first hearing and final disposal of the case, for sexual offences, in each type of court and ideally, for each type of sexual offence, compared to other types of offences – again, accompanied by the main reason(s) for any inordinate delay – would all be very valuable additions to the existing published data points. These case disposal data points are already recorded but disaggregation by offence and the main reason(s) for any unusually long delay, are not published. This may require additional fields to be added to the pre-existing recording system.
- 1.6 **Tracking case adjournments,** including their number for any given case, their length, and the reason(s) for them, is important, particularly where the principal witness(es) for the State, usually the victims, are children, or otherwise vulnerable in any way. It may well be the case that these data points are already being recorded by the Courts Service but they do not appear to be published on CS website.
- 1.7 **The mean interval between conviction and sentence:** a breakdown of average intervals between conviction/guilty plea and sentence, and the reasons for same, would also be a valuable collection of data points, not only for victims, accused persons and their advisors, but also for judges and researchers. Again, it may be the case that these data points are already being recorded by the Courts Service, but not published.

We would strongly advocate that each criminal justice agency should record and publish the data as outlined above, in a timely and regular manner, we would suggest quarterly is feasible. Ideally an annual report on whole of system delay should be published.

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