Criminal Justice Modelling Workshop
10.00am
Wednesday 17 October 2001

The Hon Paul de Jersey AC
Chief Justice of Queensland

The systematic collection of reliable statistics is essential to ensure courts are properly resourced, can make the best use of available resources, and can account for that use.

It needs to be recognised as a separate consideration that courts need to be resourced to collect, disseminate and <u>evaluate</u> statistics. Some years ago the higher courts had a qualified statistician on staff and during that time valuable work was done in the use of statistics in management of court workloads.

The Supreme Court has developed systems for the systematic collection of reliable statistics which are used in planning the disposition of resources and monitoring the effectiveness of that disposition. We are, for example, able to organise listings in the knowledge that certain categories of cases have a higher fallover rate after set down than others, and that fallover occurs at a high rate up to 15 to 20 days before the set trial date, and again on the eve of trial. We know that cases listed to start on a Monday are more likely to start than cases set to start on other days in the week, and more likely to settle once started.

Because of the continuing struggle for courts to be properly resourced, more work needs to be done particularly in an environment where the expectation of the expeditious disposition of court business is rising as are demands for greater transparency and accountability.

The Judges of the Supreme Court of Queensland do their best to monitor the extent of outstanding cases. Statistics covering the criminal, civil and appeal workloads are tabled at all of the Judges' regular monthly formal meetings, and are also monitored continually by the President and the Senior Judge Administrator – as well as by me. They are also, naturally enough, considered by the Court Administrator and the Courts Division within the Department of Justice and Attorney General.

That these statistics be accurate is, as I have said, of fundamental importance. We use them in planning the court calendars, all with a view to ensuring expedition in the disposition of cases. With a court comprising 24 Judges, three of whom are resident outside Brisbane, with the court sitting in 11 centres statewide and handling a relentless flow of work, that extremely important planning exercise is of substantial proportion.

We need, further, to be in a position to account accurately to an increasingly interested public as to the state of our lists: we obviously need to be able to disseminate utterly reliable information, also, to the litigants themselves, and the legal profession.

In this modern era, there is a general expectation that such statistics will most efficiently be generated by computer, with a related capacity for sophisticated and helpful analysis. I hope the Supreme Court's Annual Reports may be read as offering analysis which merits that description.

Statistical analysis, in facilitating necessary planning, also equips the courts to determine what level of resources is likely to be necessary in the future. In the report on the operation of the Supreme Court for the year ended 30 June 2000, I observed that "the Court lacks the resources properly to carry out the rigorous statistical analysis necessary to evaluate the effectiveness of procedures and innovations", adding that "it is increasingly necessary to do so: to manage court resources efficiently, to be publicly accountable and, not least, to satisfy conditions in order to justify funding." I will be repeating that sentiment in the court's report for the year ended 30 June 2001.

Those observations echo something said by His Honour Judge Robertson in his report last year as President of the Children's Court of Queensland. Judge Robertson provided particular instances of statistical discrepancies, suggesting they "graphically demonstrated the failure of government, over many years, to invest in the development of proper systems to accurately measure court statistics". His Honour went on:

> "I am quite sure that the unsatisfactory measures available to the courts to measure its performance statistically, would not be tolerated in the Office of the Treasury or the Premier's Department. The question has to be asked, how can anyone confidently rely on figures which are demonstrably "rubbery". These figures form the basis for arguments for resources and on important social policy initiatives. Surely it is time for the government to invest in a proper system for collecting and measuring the statistics relevant to the work of the courts."

The Criminal Registry System (CRS), which underpins the collection of data on criminal matters in Brisbane, for the Supreme and District courts, is a mainframe system installed in 1988, but not substantially refined since as long ago as 1993. It is very basic, capable of providing only abbreviated information. No regional court has access to the Criminal Registry System, so that statistics must be collected manually and forwarded to Brisbane for the purpose of the preparation of the end of month returns. While it is not possible to be sure that statistical information collected in that way will be accurate, what is certain is that the use of up-to-date software integrated through all registries, would greatly enhance accuracy. The Criminal Registry System, I should say, is currently subject to a process of evaluation.

On the civil side, the Supreme Court has only just reached the position of being able to start to expand its capacity for statistical analysis to include the period between the initial filing of process in the court, and the point of readiness for trial. This development is underway. The Supreme Court of Queensland, for its lack of that capacity hitherto, has been uniquely deficient among Australian superior courts. Consequently, the statistics we have provided to the steering committee for the Review of Commonwealth/State Service Provision have had to be qualified. More importantly, the Court has to this point lacked the capacity to track or monitor cases during that period of their lives, detecting cases which have "gone to sleep" and waking them up – and the dilatory parties' lawyers! The lack of this capacity has sat uncomfortably with modern approaches to case management.

The Civil Information Management System (CIMS) is a database application which has operated relatively effectively in Brisbane since January 1996, and in Townsville since 1997. As well as establishing the capacity for "caseflow management" to which I have referred, we hope to develop other initiatives for this civil system including, for example:

- ❖ establishing a single database for multiple centres, to enable the implementation of CIMS in regional areas, while retaining centralised database management in Brisbane;
- ❖ facilitating the more regular online listing of applications, the civil trial list, the supervised case list, and the list of the Planning and Environment Court;
- ❖ providing for the electronic lodgment of documents, leading ultimately to a so-called "paperless court";
- ❖ reviewing statistical and reporting information from the system;
- ❖ implementing an application server to facilitate web access to the courts' database services.

The Court of Appeal Management System (CAMS) originated in a database application called Paradox. Substantial problems led to the Court of Appeal system being rewritten and this was completed last year. The statistics available from the new CAMS system are extremely accurate although the data previously recorded was not fully converted, so that comparisons over extended periods are not yet readily available.

The three systems, criminal, civil and appeal, should naturally in due course be integrated. Unsatisfactorily, the applications run by those three systems are written in different languages and use different databases. Equally obviously there should be an attempt, as well as consolidating the three systems, to ensure that they are written in a common language.

While a substantial amount of money has over the last few years been injected into the higher courts to bring our technology up to date, much more is needed, although this is not the occasion for me to develop that theme. I am firmly of the view that to enhance access to justice, the courts must be in a position to utilise the best modern technology can offer. While we will inevitably need to maintain paper-based access for those unable to access the technology, and while the system is still predominantly paper-based although I discern a cultural shift to the computer, the focus must shift markedly towards a technological approach.

The theme of this workshop is modelling appropriate to the criminal justice system in particular. There is no doubt it must be computer based, and utilise the best affordable technology. Our capacity optimally to forecast and manage criminal court workloads rests on the availability of authoritative, high quality statistics, such as will enable us, for example, to:

- ❖ adjust staff levels to match demand
- ❖ assess the adequacy of physical resources
- ❖ test the impact of different court processes, such as the taking of evidence by video and alternative dispute resolution options
- ❖ test the progress of changes, such as the suitability of court language to offender age
- ❖ test mooted changes in sentencing options prior to their introduction

I have been told of concern within executive government about the quality of the statistics being produced in relation to the criminal justice system, perhaps based at least in part on the extent of training given to those officers, often junior, who are available to compile them; and the extent to which they must necessarily rely on a manually produced paper record. It is important, obviously, that data be produced by people properly trained for the task and appreciating its significance. Further computer validation of data is being looked at with data entry, to improve data quality in the criminal registry system. The significance of this data extends beyond the courts. I understand, for example, that some of this data is analysed by the Office of Economic and Statistical Research, which undertakes a thorough quality improvement process so that it can in turn be reported to the National Centre for Crime and Justice Statistics.

This workshop is an excellent initiative of the Government Statistician, Dr Ward, and the Office of Economic and Statistical Research, which I warmly commend. Its aim, in formal terms, is "to develop a network of criminal justice agencies … interested in developing models for the adult and juvenile justice systems". One of its goals is "to foster interest in the development and sharing of appropriate methodologies". The diverse representation from States and agencies, apparent from the list of registrants, should help greatly in fulfilling that mission. I wish all participants well as the workshop proceeds.

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