



Research Bulletin

Remand Inmates in NSW - Some Statistics

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NSW Department of Corrective Services

**REMAND INMATES IN NSW -
SOME STATISTICS**

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Key Findings

The NSW Criminal Justice System, as a general rule, attempts to keep the number of people held on remand in correctional institutions pending their court trial to a minimum. The aim of this report is to present descriptive statistics which will assist in developing strategies to reduce the current remand population.

Remand populations can be examined in the following two ways:

- as **flow populations**, cohorts of inmates either beginning or ending remand episodes or
- as **stock populations**, the population of remand inmates in custody at a given time.

Information about flow populations of remand inmates received into custody is relevant in helping develop bail assistance schemes where inmates are assisted to appeal bail decisions or to meet bail conditions. Flow populations of remand inmates having their sentence finalised are also of general interest in determining how many people spend time in custody without being given a custodial sentence and whether remand inmates generally have their sentences back-dated to allow for the remand period. (Note that a non-custodial sentence or a custodial sentence which has not been back-dated may take time on remand into account).

Information about stock populations is relevant to planning alternatives to full-time custody such as bail hostels or electronic monitoring.

In either case, some schemes might be applicable only for inmates remaining on remand for more than a minimum period

to allow assessment for suitability. Time on remand by remand inmates in custody on a given day is therefore an important consideration. Other schemes might be unsuitable for inmates with charges for various types of offences, for example serious violent offences or those with a presumption against bail.

It should be noted that remand inmates may be charged with several criminal offences to be heard at different courts.

To cover the range of desired statistics, five remand populations were analysed.

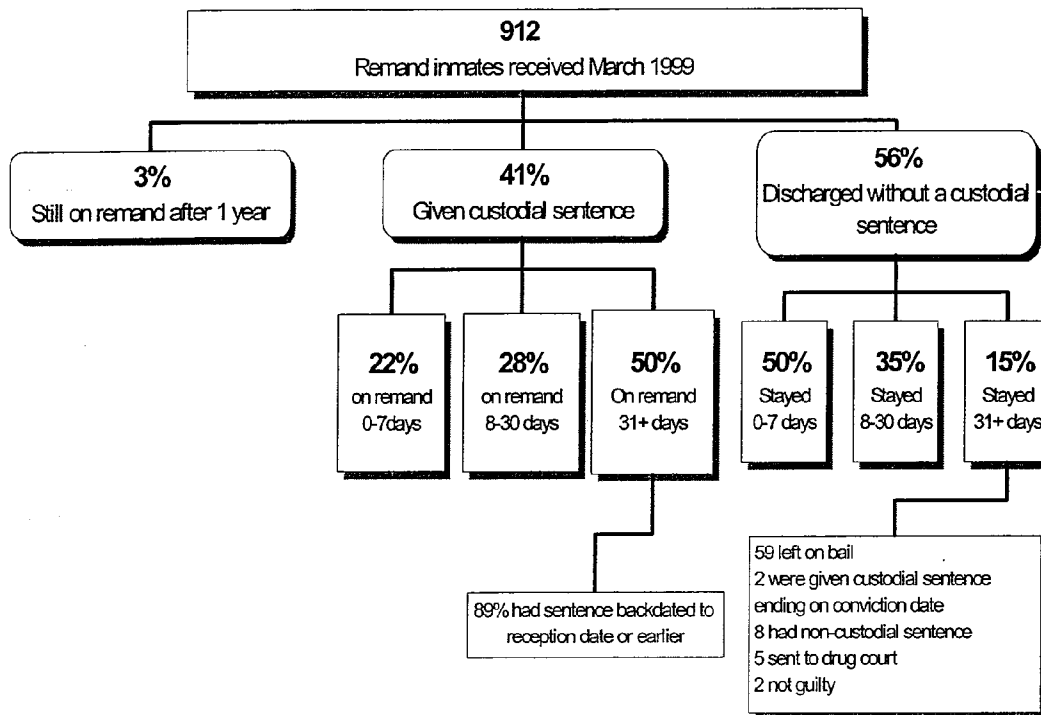
A. Flow populations:

- (i) Remand inmates received in March, 1999 were used to examine the judicial outcome of the remand episode,
- (ii) Remand inmates whose case was finalised in March 1999 were used to examine the percentage of remand inmates not given a custodial sentence,
- (iii) Remand inmates given a custodial sentence in 1999/2000 were used to examine the time spent on remand before being given a custodial sentence.

B. Stock populations:

- (i) Remand inmates in custody on 30th June, 1999 were used to examine the time these inmates ultimately spent on remand,
- (ii) Remand inmates in custody on 30th June, 2000 (the most up-to-date remand population available) were used to examine the offences with which these inmates were charged.

Figure 1: Judicial outcome for 912 remand inmates received in March 1999



Results

A. Flow populations - characteristics of remand inmates received into custody

(i) Judicial outcome of reception cohort

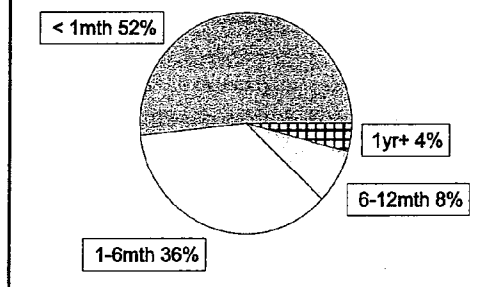
The judicial outcome of the 912 remand inmates received in March 1999 is shown in Figure 1.

(ii) Percentage of remand inmates not getting a custodial sentence

15% of the 416 remand inmates whose case was finalised in March 1999 were not given a custodial sentence.

(iii) Time on remand for remand inmates given a custodial sentence in 1999/2000

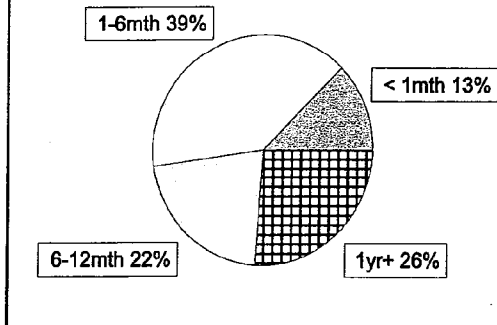
Figure 2: Time on remand for 3616 remand inmates given custodial sentences in 1999/2000



B. Stock populations - characteristics of remand inmates in custody on a given day

(I) Time on remand for remand inmates in custody on a given day

Figure 3: Eventual time on remand for the 1268 remand inmates in custody on 30th June 1999



(ii) Offences for remand inmates in custody on a given day

Of the 1433 remand inmates in custody on 30th June 2000:

- 42% had a charge for a serious violent offence (homicide, serious sexual assault, armed robbery or major assault),
- 12% had a charge for a violent offence but not a serious violent offence
- 46% did not have a charge for a violent offence

Discussion

Over half (56%) the remand inmates received in March 1999 were discharged without a custodial sentence, most leaving within a month (Figure 1). That some of these inmates could have been helped to leave earlier or to avoid being on remand at all by a bail assistance scheme is an avenue that could be further examined and appropriate strategies developed.

With respect to the desirability of minimising time on remand it was noted that 15% of the remand inmates having their case finalised in March 1999 were not given custodial sentences. However their time on remand may have been taken into account when sentencing.

Most of the remand inmates received in March 1999 who stayed on remand more than one month had their custodial sentence backdated to their reception date (Figure 1). Two out of the remand inmates received in March 1999 who stayed on remand more than one month were found not guilty (Figure 1).

Fifty-percent of the remand inmates received in March 1999 and eventually given a custodial sentence were on remand for less than one month (Figure 1). This was also the case for the remand inmates given custodial sentences in 1999/2000 (Figure 2).

Flow and stock populations of remand inmates can present very different results. This is so since, at any one time, most of the short term remand inmates previously received have already finished their remand episode. That is, the majority of remand inmates in custody on a given day are those who are spending a relatively long time on remand. For example, on 30th June 1999, about half of the remand inmates in custody ultimately spent more than six months on remand (Figure 3). This indicates possible scope for long-term alternatives to full-time custody although possible alternatives may be limited by the offences with which the remand inmates are charged. For example, 42% of the inmates on remand on 30th June 2000 had a charge for a serious violent offence which might make them unsuitable for some options.

In summary, there appears to be scope for reducing the number of remand inmates. However it should be emphasised that any programs or strategies to reduce the remand population would need to be clearly defined and trialed before their effectiveness could be reliably assessed.

1 Introduction

1.1 Aim of this report

The NSW Criminal Justice System, as a general rule, attempts to keep the number of people held on remand in correctional institutions pending their court trial to a minimum. Methods suggested include assisting people to be granted bail, assisting people granted bail to meet their bail conditions and providing alternatives to full-time custody. The aim of this report is to present descriptive statistics which will assist in planning strategies to reduce the remand population.

Remand populations can be examined in the following two ways:

- as **flow populations**, which are cohorts of inmates either beginning or ending remand episodes or
- as **stock populations**, which comprise the population of remand inmates in custody at a given time.

Information about flow populations of remand inmates received into custody is relevant to bail assistance schemes where inmates are assisted to appeal bail decisions or to meet bail conditions. Flow populations of remand inmates having their sentence finalised are also of general interest in determining how many people spend time in custody without being given a custodial sentence, and whether remand inmates generally have their sentences back-dated to allow for the remand period. (Note that a non-custodial sentence or a custodial sentence which has not been back-dated may take time on remand into account).

Information about stock populations is relevant to planning alternatives to full-

time custody such as bail hostels or electronic monitoring. Some schemes might be applicable only for inmates remaining on remand for more than a minimum period, to allow assessment for suitability. Hence the eventual time spent on remand by remand inmates in custody on a given day is important. Other schemes might be unsuitable for inmates with charges for various types of offences, for example serious violent offences or those with a presumption against bail.

1.2 Bail

In general terms, bail is a means of authorising an individual who has been charged with an offence to be at liberty instead of in custody. The individual must undertake to return to the court on a specified day and to fulfill certain conditions. The principles behind bail decisions are relevant to assessing which remand inmates might benefit from bail assistance schemes or alternatives to full-time custody.

In NSW under the Bail Act 1978, bail can be granted by either the Police Service or the courts. Bail, or a review of bail conditions, may be applied for at subsequent hearings or by way of a bail review by the Supreme Court.

Currently video links are being established between a number of correctional centres and selected courts, including the Supreme Court. These will allow remand inmates to make bail applications from a correctional centre.

Bail may consist of release without conditions (signature bail). However bail undertakings generally contain one or more of the following components:

- financial - cash or security from the

- bailee and/or an approved person,
- reporting arrangements with a relevant police station,
- supervision by the Probation and Parole Service or placement in a specialised agency,
- restrictions regarding access to specified localities or people.

Under the Bail Act 1978, decisions to grant or refuse bail are made having regard to the following factors:

- the probability that the person will appear in court with regard to:
 - background and community ties,
 - any previous failure to appear in court,
 - the circumstances of the offence,
 - specific evidence on the probability of future appearance in court.
- the interests of the person with regard to:
 - time in custody,
 - the person's needs in preparing their case or for other purposes,
 - incapacitation or any need for physical protection.
- the protection and welfare of the community with regard to:
 - the nature and seriousness of the offence,
 - failure to observe previous bail conditions,
 - the likelihood of interference with evidence, witnesses or jurors,
 - the likelihood of committing another offence while on bail
 - charges for other serious offences.
- the protection of concerned persons with regard to the protection of any person against whom an offence is alleged to have been committed, or their family or any other concerned

persons.

Having regard to the above factors there is a presumption against bail for offences involving a commercial quantity of prohibited drugs.

For most other offences there is a presumption in favour of bail except for those charges involving homicide, serious assault, serious sexual assault, armed robbery, some drug offences, domestic violence offences or offences breaching apprehended domestic violence orders.

1.3 Remand

Remand inmates are people who are detained in a correctional centre by a court order until their next appearance at court, either having not been granted bail or not being able to meet their bail conditions. Sometimes there is a significant delay before the next court appearance to allow matters to be accommodated into the court schedule or to allow the prosecution and the defence sufficient time to prepare their cases.

Not uncommonly, inmates can be on remand for more than one set of charges (often at different courts) at the same time. Inmates on remand for one set of charges whilst serving a custodial sentence for other charges are not treated as remand inmates in this report.

In NSW most remand inmates are received into the Metropolitan Remand and Reception Centre (63% of the 10,337 remand inmates received in 1999/2000) or Mulawa (11%) or into a number of designated country reception centres: Grafton (6%), Cessnock (5%), Bathurst (4%), Goulburn (3%), Junee (3%), Tamworth (3%) and Broken Hill (1%) (Thompson, 2000).

Remand inmates make up about 20% of the current full-time inmate population in NSW. For example, on 30th June, 2000 there were 1433 inmates counted as solely on remand in full-time custody out of a total inmate population of 7330. In addition there were another 55 inmates without sentences: 42 being held pending deportation, 10 classified as unfit to plead a charge due to mental illness and 3 being held pending extradition (Corben, 2000).

However it was noted that 42 of these 1433 inmates counted as on remand on 30th June 2000 subsequently had their parole breached by the Parole Board. This would have affected their ability to be granted bail.

At any time there is a small percentage of remand inmates in custody with bail granted for a pending charge. This may be because the remand inmate cannot meet the bail conditions. In some cases the remand inmate may face additional charges for which bail has not been granted. In a small number of cases the bail conditions may specify waiting until a place is available in an institution, for example, a rehabilitation centre.

1.4 Definition of remand episode

In the majority of cases a remand episode starts when an alleged offender who does not already have a custodial sentence for any offence is received into custody.

In a few cases an inmate finishing a custodial sentence remains in custody on remand to face other charges. For example, there were 60 such remand inmates out of the 1433 in custody on 30th June 2000 (Corben, 2000).

The remand episode is terminated by the person being released on bail or by the

case being finalised (for example the remand inmate being acquitted or convicted and sentenced).

1.5 Factors affecting the number of remand inmates

The number of inmates on remand at any one time depends on:

- the number of remand inmates received into custody (related to police activity and how the courts grant bail) and
- the length of time each person remains on remand (related to court activity).

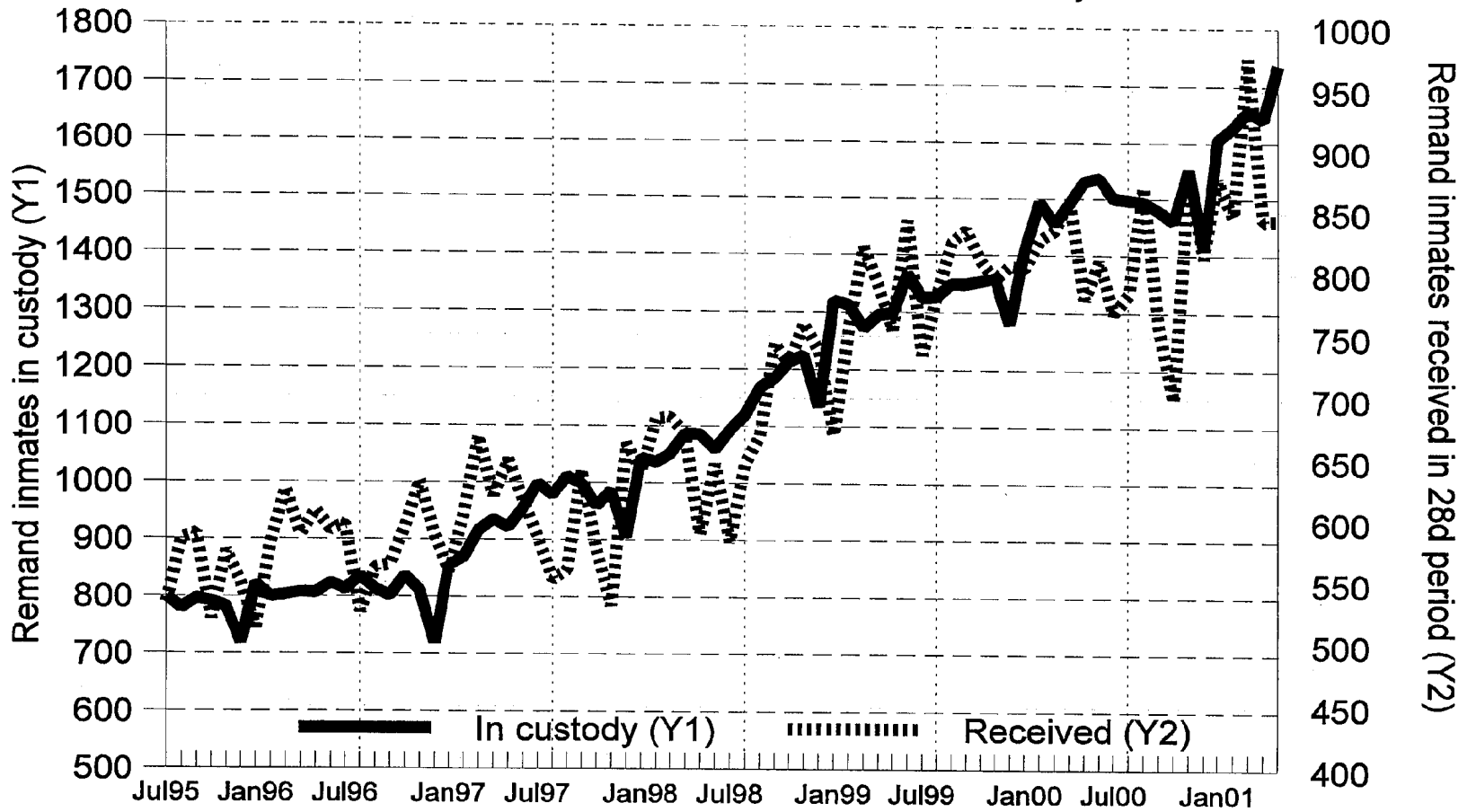
Unlike sentenced inmates who remain in custody for a specified sentence length, remand inmates remain on remand until their case is finalised or they are released on bail. Thus if the courts deal with remand cases at a slower rate than they are received into remand, the pool of remand inmates will increase and vice versa. It follows that a major means of reducing the remand population is for the courts to deal with remand cases at a faster rate than remand inmates are received.

1.6 Trends in the number of remand inmates

The number of remand inmates tends to vary during the year as a result of variations in police and court activity.

Between 1986 and 1996 the number of inmates on remand varied between about 700 and 900 (NSW Department of Corrective Services, 2000).

Figure 4: Remand Inmates Received and in Custody
at 28 day intervals between July, 1995 and May, 2001



Small increase in remand numbers on 13th May 1997 due to change in counting rules

As shown in Figure 4, since then there has been a seasonal trend of a sharp drop before Christmas (as presumably there is a drive to get these cases heard before the holidays), a sharp increase during January when the courts are in recess, and a more gradual increase levelling out during the last part of the year. The exception was 1998 where the increase continued until Christmas. There was also a drop in remand numbers just before the September 2000 Olympics.

Figure 4 also shows the number of remand inmates received in four week intervals (Thompson, 2000). There are times when the number of remand inmates received changes but the number of remand inmates in custody does not change, and vice versa.

2 Methodology and Results

Most of the data used in this report was extracted from the computerised Offender Management System (OMS) of the Department of Corrective Services. However, since the data is stored on OMS primarily for inmate management purposes, in some cases, as discussed in the relevant sections, the information could not be obtained in the most desirable form.

A small amount of data was provided from the court statistics data base compiled by the Bureau of Crime Statistics and Research (BCSR).

Statistics relating to the flow of remand inmates through the system are dealt with in sections 2.1 (inmates received) and 2.2 (cases finalised).

Since the remand inmates received who are on remand for only a short time will already have left or been sentenced, most of the remand inmates in custody on a given day are those that will stay on remand for a significant period. Statistics relating to the stock population of remand inmates in custody at any one time are dealt with in section 2.3.

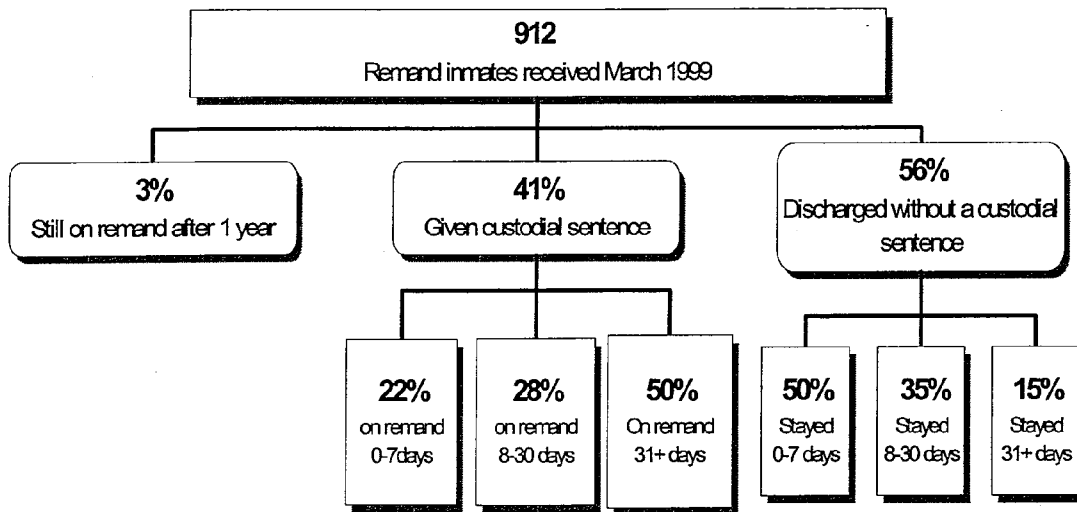
A: Flow Populations

2.1 Remand receptions

A data set of the 912 remand inmates received into NSW correctional centres during March 1999 was used to examine:

- the judicial outcome of their imprisonment episode (for example, whether they were released to bail, released for another reason or given a custodial sentence) where this information was available,

Figure 5: Judicial outcome for 912 remand inmates received in March 1999



- possible back-dating of custodial sentences,
- how long these remand inmates stayed on remand (grouped by judicial outcome),

Unfortunately, when an inmate does not return from court the reason is often unknown at the correctional centre (either the inmate was released on bail or the case was finalised without a sentence of additional time in custody). In these cases the computer discharge reason is recorded as 'court result unknown'.

Additional information for remand inmates discharged 'court result unknown' after more than 30 days on remand was obtained from unpublished court result data provided by BCSR (BCSR 2000a).

For clarity, Figure 5 shows an overview of the results.

2.1.1 Judicial outcome for remand inmates received

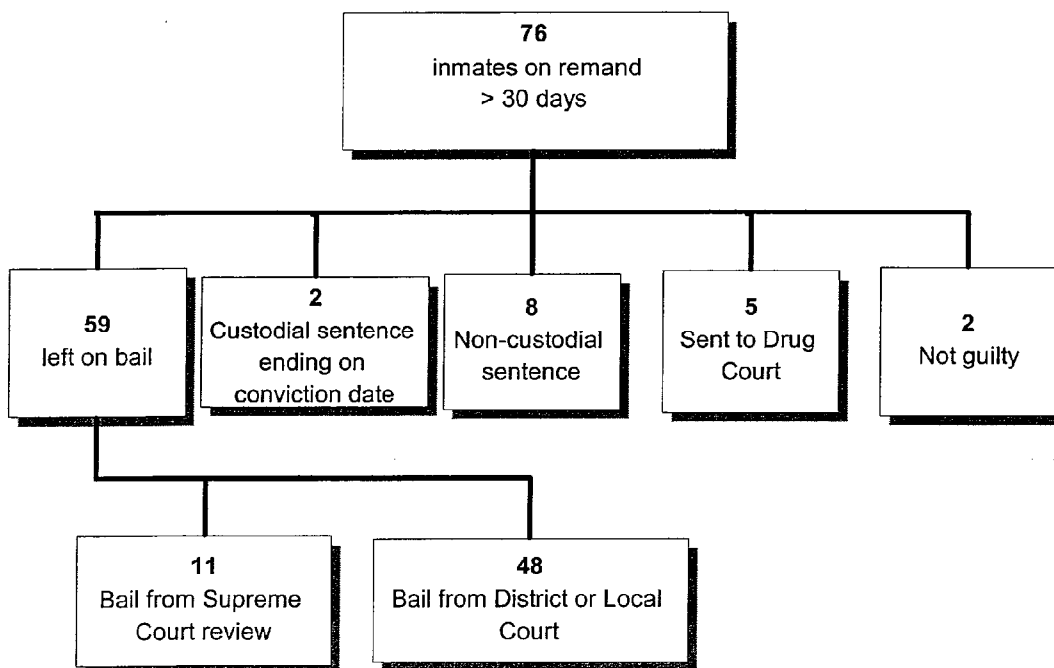
Table 1 shows the judicial outcome for the 912 remand receptions in March 1999. More than a third of the remand inmates received were discharged on bail.

Table 1: Judicial outcome for 912 remand inmates received in March 1999

Judicial Outcome	%
Custodial sentence	41%
Discharge on bail	37%
Discharge 'court result unknown'*	15%
Discharge for other reasons	4%
Still on remand after 12mth	3%
Total	100%

* described above

Figure 6: Judicial outcome for 76 remand inmates received in March 1999 and discharged without a custodial sentence after > 30 days on remand



2.1.2 Judicial outcome for long-term remand inmates received

Figure 6 shows the judicial outcome for the 76 remand inmates received in March 1999 who left without a custodial sentence after being on remand more than 30 days.

Eleven of the 59 remand receptions who remained on remand for more than 30 days were released after their bail was reviewed by the Supreme Court. The number of visits to the Supreme Court ranged from two to five with an average of three, and the time taken from the first to the last visit ranged from one to 24 weeks.

The remaining 48 were released on bail after a review by the court dealing with their offences.

Although the outcome of unsuccessful bail hearings is not directly stored on OMS, from the information available from court orders and movements to court it seems likely that about 10 of the above 48 remand inmates had also applied for a bail review at the Supreme Court. Some of these bail review applications seemed to be unsuccessful whilst other applicants appeared to have been released by the lower court (where their case was being heard) while their bail review had yet to be finalised by the Supreme Court.

2.1.3 Back-dating of custodial sentences

Out of 186 remand receptions who received a custodial sentence after more than 30 days on remand, 89% had the sentence backdated to start from their reception date or earlier.

2.1.4 Time on remand

Table 2 shows the time spent on remand by the 912 remand receptions in March 1999 with times for the 475 remand receptions who were discharged on bail or court result unknown and the 373 remand receptions who received a custodial sentence within a year shown separately.

Overall, over a third of the remand inmates received spent less than 8 days on remand and more than half of those discharged on bail or as court result unknown were eventually released within 8 days.

Table 2: Time on remand for 912 remand inmates received in March 1999

Time on Remand	Judicial Outcome (%)*			
	Bail or CRU	CS	Oth	Tot
0-7days	54	22	27	39
8-30days	33	28	20	30
1-6mths	12	38	17	23
6-12mths	<1	12	-	5
>12mths	-	-	36	3
Total	100	100	100	100
Number	475	373	64	912

* CRU = 'court result unknown' (explanation in section 2.1)

CS = custodial sentence

Oth= non-custodial sentence, not guilty, transfer to Drug Court or still in custody

2.2 Remand cases finalised

2.2.1 Remand inmates given non-custodial sentences

Unpublished court result data provided by BCSR (BCSR 2000a) was used to examine how many of the inmates discharged as 'court result unknown' in March 1999 had their case finalised on this discharge date. This data was combined with the number of remand inmates recorded on OMS as acquitted or discharged with a non-custodial sentence and the number of remand inmates given a custodial sentence in March 1999 from OMS. This process is shown in the appendix.

Of the 416 remand inmates whose case was finalised in March 1999:

355 were given custodial sentences,
 9 were given periodic detention,
 23 were given a bond,
 10 were given a community service order,
 4 were given a fine,
 8 was not convicted,
 7 did not have a penalty recorded by BCSR.

Thus, for the cases finalised in March 1999, 15% of the inmates on remand were not given a custodial sentence.

2.2.2 Time on remand for remand inmates starting a custodial sentence

Examining time spent on remand for a group of inmates starting sentences during a whole year gives a better idea of the time spent on remand than was possible for the examination of remand inmates received in a single month in section 2.1.4.

Of the 8320 inmates starting custodial sentences during the 1999/2000 financial year, 3616 (43%) were on remand at the time of sentencing. The time spent on remand is shown in Table 3.

Table 3: Time on remand for 3616 remand inmates starting sentences in 1999/2000

Time on Remand	%
0 - 7 days	24%
8 - 30 days	27%
1 - 6 months	36%
6 - 12 months	8%
> 12 months	4%
Total	100%

B: Stock Populations

2.3 Characteristics of remand inmates in custody on a given day

A data set of the 1268 remand inmates in full-time custody on 30th June 1999 extracted from OMS for the 1999 Inmate Census (Corben 1999) was used to estimate the eventual time spent on remand for the population of remand inmates at any one time.

A data set of the 1433 remand inmates from the 2000 Inmate Census (Corben 2000) were used to examine:

- the charges against each inmate
- the last known address of each inmate
- the number of remand inmates in custody with bail granted and the outcome of the remand episode.

2.3.1 Eventual time spent on remand by the remand population

Table 4 shows the eventual time spent on remand for the 1268 remand inmates in custody on 30th June 1999.

Table 4: Time on remand for 1268 remand inmates in custody on 30/6/1999

Time on Remand	%
0 - 7 days	3%
8 - 30 days	10%
1 - 6 months	39%
6 - 12 months	22%
> 12 months	26%
Total	100%

Approximately 307 of the remand inmates in custody on 30th June 1999 were subsequently discharged on bail or as 'court result unknown' without a custodial sentence. Of these, 96 spent less than 31 days on remand.

2.3.2 Charges

Most remand inmates are charged with more than one offence. In Table 5 the 1433 remand inmates in custody on 30th June 2000 are shown grouped according to whether they had a charge for a serious violent offence (homicide, serious assault, serious sexual assault or armed robbery) or a charge for a violent offence but no charge for a serious violent offence. The number in each group with a charge for breaching a bail condition or a charge for breach of an apprehended violence order are also shown.

Table 6 shows the same remand inmates

Table 5: Number of inmates on remand on 30th June 2000 by charge groupings

Charge	Total	Breach Bail *	AVO**
<i>Murder</i>	114	4	4
<i>Other homicide (attempted murder, manslaughter etc but not by driving)</i>	57	5	4
<i>Serious sexual assault on adults (including inflicting actual bodily harm to have sexual intercourse) but not homicide</i>	55	6	7
<i>Armed robbery but not serious sexual assault or homicide</i>	217	30	5
<i>Major assault (including actual bodily harm) not including the offences above</i>	156	29	26
Any Serious Violent Offence Charge (any of the above)	599	74	46
Other violent offence charge (sexual assault, robbery or assault but no serious violent offence)	178	20	23
Non-violent offence charges only	656	62	23
Total inmates on remand	1433	156	92

* Included a charge for breach of a bail condition or fail to appear

** Included a charge for breach of an apprehended violence order

Note that one inmate can be in several categories

Table 6: Number of inmates on remand on 30th June 2000 by assorted charge groupings

Charge	Total	Breach Bail *	AVO**
Commercial quantity of drugs # (and no serious violent offence)	70	0	1
Importing drugs (and no serious violent offence)	86	1	0
Supply drugs (and no serious violent offence)	227	13	1
Any drug offence charge (and no violent offence)	328	17	3
Stealing (and no serious violent offence)	420	59	12
Driving under the influence (eg MRPCA, HRPCA and no serious violent offence)	20	2	0
Dangerous driving (and no serious violent offence)	49	8	5

* Included a charge for breach of a bail condition or fail to appear

** Included a charge for breach of an apprehended violence order

Note that one inmate can be in several categories

Including charges of supplying or importing a commercial quantity of a prohibited drug

grouped in ways which may be relevant when proposing alternatives to full-time custody.

2.3.3 Last known address of remand inmates

Table 7 shows the last known address for the 764 remand inmates in custody on 30th June, 2000 who did not have a charge for a serious violent offence or one involving a commercial quantity of drugs (as recorded on OMS).

There were comparatively low numbers from any region except the greater Sydney region which comprised 59%.

2.3.4 Remand inmates in custody with bail granted

Of the 1433 inmates on remand on 30th June 2000, 81 (6%) had bail granted on all active orders. These were inmates eligible to be free in the community as soon as they could meet their bail conditions. The bail surety required ranged from \$0 to \$20,000.

Of these 81 remand inmates with bail granted, about 21 were discharged on bail within 30 days of the order date.

Table 7: Last known address for remand inmates on 30/6/2000 without a charge for a serious violent offence or an offence involving a commercial quantity of drugs

Last Address	n
Greater Sydney region *	452
Illawarra	41
Hunter	31
Central West	19
Northern region	18
Richmond-Tweed	16
Mid-north coast	14
North western region	12
Murrumbidgee	10
Murray	6
South eastern region	3
Interstate	47
Overseas	27
No fixed address	32
No address recorded on OMS	36
Total	764

* Sydney statistical division which stretches as far north as Wyong

3 Discussion

3.1 General

When developing strategies to reduce the current remand population, both the flow of remand inmates into custody and the remand population at any one time are of interest. However these have very different characteristics. For example, examination of the March 1999 remand receptions and the remand inmates who were given a custodial sentence in 1999/2000 showed that many were on remand for a relatively short period of time (half on remand for <31 days).

In contrast, at any one time most of the short term remand inmates previously received will already have finished their remand episodes. Thus the majority of remand inmates in custody on a given day are those who are spending a relatively long time on remand. For example, on 30th June 1999, about half of the remand inmates in custody ultimately spent more than six months on remand.

The study produced some facts related to whether remand inmates have been disadvantaged:

- 89% of the remand inmates given a custodial sentence had these sentences backdated (March 1999 receptions on remand > 31 days),
- 15% of the remand cases finalised in March 1999 were not given a custodial sentence,
- only 3 out of 912 March 1999 remand receptions were noted as acquitted (2 on remand > 6mth).

It should be noted that it is likely that the time spent on remand was taken into account when sentencing.

3.2 Potential ways of reducing the remand population

The statistics in this report can be used to discuss the three types of strategies to reduce the number of remand inmates used by some jurisdictions. These are: assisting remand inmates to be granted bail and to meet their bail conditions, providing alternatives to full-time custodial remand, and expediting the finalisation of cases for remand inmates.

3.2.1 Bail assistance

Bail assistance can take the form of assisting bail conditions to be met, negotiating more viable bail conditions or assisting with making bail review applications to the Supreme Court.

It could be argued that at least some of the remand inmates now ultimately discharged to bail could be enabled to be discharged earlier by some sort of bail assistance scheme.

For instance, on 30th June 1999 there were approximately 307 remand inmates in custody who were ultimately released to bail or 'court result unknown', 96 of these serving less than 31 days on remand. If these latter 96 remand inmates had all managed to have bail granted and the conditions met before being received into custody, the remand population would have been reduced by about 96 (assuming that the discharges designated as 'court result unknown' were all to bail).

Assistance in meeting the requirements of the Supreme Court might have accelerated the release to bail of a very small proportion of these. For example, 11 of the remand inmates received in March 1999 were eventually granted bail by the Supreme Court after more than 31 days on

remand, making an average of three appearances and taking up to 24 weeks between the first and last appearance.

Unfortunately it is far from clear whether assistance could have quickened the process of getting bail granted in the majority of cases.

It has not been established why some remand inmates were released on bail after a review by the court dealing with their charges after more than 30 days on remand. Possible reasons are that either additional evidence about the stability of the remand inmate was presented to the court, or the court felt that the remand inmate had already spent as long in custody as a likely custodial sentence.

Apart from cases where waiting for admittance to a rehabilitation centre is a bail condition, there can be difficulties in immediately meeting bail conditions, even though bail may be set at a low monetary figure.

For example, money may be required from an approved person as defined by the court. Although granted access to phone calls in the court area there may be a problem in securing an approved person meeting the bail definition. Perhaps the person is difficult to contact or perhaps when finally contacted it is found that the person does not meet the bail requirements. In other cases, the remand inmate may have difficulty in finding one approved person to provide the needed amount of money whereas he or she could obtain the money from several people. In the interim the person must be taken to a correctional centre until the situation is satisfactorily arranged.

Some of the 81 remand inmates in custody on 30th June, 2000 who had already been

granted bail might have benefited from additional access to a telephone, advice, and perhaps an application to the court to vary the bail conditions. This sort of assistance could be provided at either the court or the correctional centre.

However it is difficult to estimate what proportion of these remand inmates would leave on bail earlier if assisted. For example, if the remand inmate's only person to provide surety is not able to be contacted, delay is inevitable.

It should be noted that some of the remand inmates released to bail may have later returned to custody with a custodial sentence. Others may have been given a non-custodial sentence where their time spent in custody was taken into account.

3.2.2 Alternatives to full-time custodial remand

Alternatives to holding bail-refused offenders in full-time custody currently exist in or are being planned by a number of jurisdictions. These include combinations of accommodation such as bail hostels and/or supervision with or without electronic monitoring.

It is difficult to estimate the potential number of remand inmates that could be diverted without knowing which offender groups would be targeted.

While numbers in some offence groupings have been given in Tables 5 and 6 as examples, probably many inmates meeting offence selection criteria would be ineligible for one of the alternative bail options proposed for additional reasons. For instance, a drug or alcohol problem may make an offender unsuitable for many options.

Looking at remand inmates without a charge for a serious violent offence or one involving a commercial quantity of drugs, it was observed that the number coming from any single region outside Sydney was relatively small. It is therefore likely that any significant option would have to be limited to the Sydney geographical area.

Experience has shown that one of the most important factors in the success of any new scheme involving judicial options is the co-operation of the judiciary. Before the promotion of any of these options can be seriously considered in NSW, the target population and working principles should be defined in conjunction with advice from the judiciary and other involved agencies. After this, cost estimates can be made.

It should be noted that there is no guarantee that incarceration costs would decrease with the introduction of one of these alternatives as the courts may or may not take the time spent on one of these options into account when sentencing.

3.2.3 Expediting cases through the courts

At present, cases on remand are given some priority through the court system. Section 25 of the Bail Act 1978 limits the period of adjournments in local courts for people on remand unless the offender consents or there are grounds for a longer adjournment. In addition, Section 42 of the Criminal Procedure Act 1986 requires that if a remand inmate committed for trial before the District Court has not been listed for trial within three months, the Criminal Listing Director shall arrange for listing as soon as possible. For people on bail the period is six months.

After the initial hearing, a court date is set

that is agreeable to the defendant to allow him or her to prepare their case. Where the plea is guilty this considerably speeds up the process. Where the offence is to be heard at the District or Supreme Court this may involve additional waiting for a suitable court date due to the current backlog at the District Court.

An additional strategy to expedite cases is the requirement for a quarterly list of remand inmates in custody for more than three months to be sent to the Supreme Court under Section 258 of the Crimes (Administration of Sentences) Act 1999. This allows individual holdups to be examined.

The courts are continually striving to improve throughput by rationalising courtrooms etc. However some delays are inevitable.

Figure 4 emphasises the fact that the remand population is not just dependant on the number of inmates received: remand numbers drop and rise around Christmas according to court activity. In theory, providing additional resources to deal with remand cases for a limited period would reduce the remand population in custody on a long-term basis. That is, a limited period of additional resources would enable a lower number of remand inmates to be maintained.

4 Conclusion

The study shows that there appears to be scope for reducing the number of remand inmates in custody by bail assistance, alternatives to full-time custody or the expediting of remand cases through the courts. However it should be emphasised that any programs or strategies to reduce the remand population would need to be clearly defined and trialed before their effectiveness could be reliably assessed.

5 References

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Appendix: Flowchart to illustrate datasets used in section 2.2.1

