

Annex C - Potential questions and methods for evaluating single judge trial pilot against objectives

Objective 1 - To assess how the process of conducting a single judge trial for rape cases is perceived by those involved in the trial process		
The Experience of those Involved in the Trial Process	The Experience of those involved in examination/questioning of witnesses	
Potential evaluation questions	<p>Trial Judges¹:</p> <ul style="list-style-type: none"> • Are there any differences in the evidence led or the way it is presented by counsel in single judge trials compared to jury trials? • What advantages and disadvantages have you identified associated with the requirement and process of providing written reasons for verdicts in criminal solemn cases as standard? • Do you have any other observations on the trial process comparative to Jury Trials? 	<p>Trial Judges:</p> <ul style="list-style-type: none"> • Did the judges noticed in difference in the number of times they had to intervene? interventions? • Do you have any other observations on the cross-examination process comparative to Jury Trials?
	<p>Prosecution Counsel:</p> <ul style="list-style-type: none"> • What are the key differences in presenting evidence to a single Judge compared to a Jury during the pilot and how do you adapt your approach to take account of this? • How do your preparations for a single judge trial differ from a Jury Trial? • Do you have any other observations on the trial process during the pilot comparative to Jury Trials? • Are there any differences in the evidence led or the way it is presented by defence counsel in single judge trials compared to jury trials? 	<p>Defence Counsel/solicitors:</p> <ul style="list-style-type: none"> • Would the number, focus and presentation of questions you asked during the examination in chief and cross-examination have changed had the trial been taking place in front of a Jury? • How does the examination in chief and cross-examination process compare as a mechanism for presenting evidence/arguments to a Judge comparative to a Jury? • Do you have any other observations on the examination in chief and cross-examination process comparative to Jury Trials? • Are there any differences in the evidence led or the way it is presented by prosecution counsel in single judge trials compared to jury trials?
	<p>Defence Counsel/solicitors:</p>	<p>Prosecution Counsel</p>

¹ It is envisaged that the views of those judges and legal practitioners that have been involved in the pilot will be gathered through semi-structured interviews or questionnaires at the conclusion of the pilot. We are conscious of the extent to which the views of judges can be sought and further consideration would require to be given to what questions could be asked of Judges.

	<ul style="list-style-type: none"> • What are the key differences in presenting evidence to a Judge compared to a Jury during the pilot and how do you adapt your approach to take account of this? • How do your preparations for a single judge trial differ from a Jury Trial? • Do you have any other observations on the trial process during the pilot comparative to Jury Trials? 	<ul style="list-style-type: none"> • Would the number, focus and presentation of questions you asked during the cross-examination have changed had the trial been taking place in front of a Jury? • How does the cross-examination process compare as a mechanism for presenting evidence/arguments to a Judge comparative to a Jury? • Do you have any other observations on the cross-examination process comparative to Jury Trials?
	<p>Complainer²:</p> <ul style="list-style-type: none"> • How did the trial process compare to your expectations of the process? Have you had any experience of the criminal justice system prior to this? • Did you give live evidence at the trial or was your evidence captured via another process e.g. a written statement or pre-recorded evidence. • Was the trial process longer or shorter than you anticipated? • Was being provided with written reasons for a verdict helpful in understanding how and why a judge arrived at a particular verdict? • Any other observations on the trial process 	<p>Complainer:</p> <ul style="list-style-type: none"> • How did examination in chief and cross-examination compare with your expectations of the process? Did this take place during the trial or via some alternative means e.g. evidence by commissioner? • Do you feel that the questions during the cross-examination process were relevant to and focused on the specifics of the case? <p>Do you have any other observations on the examination in chief cross-examination process ?</p>
	<p>Accused:</p> <ul style="list-style-type: none"> • How did the trial process compare to your expectations of the process? • Was the trial process longer or shorter than you anticipated • Was being provided with written reasons for a verdict helpful in understanding how and why a judge arrived at a particular verdict? • Any other observations on the trial process 	<p>Use of special measures as set out in the Criminal Procedure Act 1995 compared to Jury Trials</p>
		<p>Length of examination in chief and cross-examination compared to Jury Trials?</p>

² It is envisaged that the views of those complainers and accused involved in the pilot will be gathered through semi-structured interviews or questionnaires

Objective 2 - To explore the impact of single judge trials on the effectiveness and efficiency of managing rape trials

Trial Duration	Trial Costs	Delays & Adjournments	Section 275 Applications	Other relevant measures relating to case mgmt
What is average length of time from indictment to trial compared to Jury Trials?	Where the accused is in receipt of Legal Aid, the average cost to Legal Aid compared to Jury Trials	How many adjournments were there on average compared to Jury Trials?	What is the average number of applications lodged under Section 275 of the Criminal Procedure Act compared to Jury Trials	Is there any difference in the use of standard or non-standard special measures compared to jury trials, including both number and outcomes of applications?
What is the average length of time from Preliminary Hearing to Trial compared to Jury Trials?	What is the average cost to COPFS compared to Jury Trials?	How many continued Preliminary Hearing Diets compared to Jury Trials?	-	What are the views of the Judge on the efficiency and effectiveness of the trial process compared to Jury Trials.
What is the average length of a Single Judge Rape Trial compared to a Jury Trial?	What is the average cost of a Jury Rape Trial? (baseline only)	How many adjourned trial diets compared to Jury trials?	-	
What is the average length of time from conclusion of the leading of evidence and conclusion of parties submissions to delivery of the verdict by the Judge compared to Jury Trials	What is the average cost to the Court system i.e. court staffing	-	-	What are the views of prosecution counsel on the efficiency and effectiveness of the trial process compared to Jury Trials.
-	-	-	-	What are the views of defence counsel on the efficiency and effectiveness of the trial process compared to Jury Trials.

Potential evaluation questions

Objective 3 - To consider the effect of Single Judge Trials on outcomes

Conviction rates/verdicts across cases with different characteristics	Proportion of guilty pleas	Prevalence and substance of appeals against verdicts and the success of those appeals	Impact on other areas of the justice system
What is the conviction rate during the course of the pilot?	What is the proportion of guilty pleas compared to Jury Trials?	What is the number of appeals lodged in accordance with Section 106(1)(a) of the Criminal Procedure Act 1995 as compared to jury trials?	What impact, if any, does the pilot have on the time it takes for other cases to come to trial from e.g. PH to trial?
What are the primary reasons for conviction/ acquittal as set out in reasons for verdict?	What proportion of guilty pleas are entered at different stages of the trial process compared to Jury Trials? <ul style="list-style-type: none"> • Preliminary Hearing • Pre-Trial • During Trial 	What are the primary reasons for appeals lodged as set out at Section 106(3) of the Criminal Procedure Act as compared to jury trials?	-
-	-	What proportion of cases are granted leave to appeal by the High Court in accordance with Section 107 of the Criminal Procedure Act as compared to Jury trials?	-
-	-	What proportion of convictions are quashed following an appeal lodged in accordance with Section 106(1)(a) or s106(f) as applicable of the Criminal Procedure Act 1995 compared to Jury trials?	-
-	-	How many appeals are lodged under section 107A of the Criminal Procedure Act 1995 as compared to jury trials?	-
-	-	What are the primary reasons for appeals lodged under section 107A of the Criminal Procedure Act 1995 as compared to jury trials?	-