

Remanded in Custody

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My brief is to compare rates of remand in custody in Australia's states and territories and discuss the implications of the marked differences which are evident.

Rates of Remand in Custody

The remand rate is defined as the number of unsentenced prisoners in custody (on the first day of the month) per 100,000 of the general state population. Using as a source the Australian Institute of Criminology's monthly *Australian Prison Trends* (Biles 1978-1988), comparative remand rates among the states from January 1978 to September 1988 can be calculated. They show that the remand rate for Australia and most states has increased, particularly over the past three years. The Australian rate on 1 September 1988 is 11.5, compared with 10.0 on the same day in 1986, 8.0 in 1983 and 7.5 in 1978. South Australia has a higher rate of remand than the Australian average, the respective figures being 13.4, 13.2, 9.8 and 10.4. New South Wales and the Northern Territory had the highest rates of remand in Australia at 1 September 1988, being 17.7 and 27.5, respectively.

Percentage of Remandees in the General Prison Population

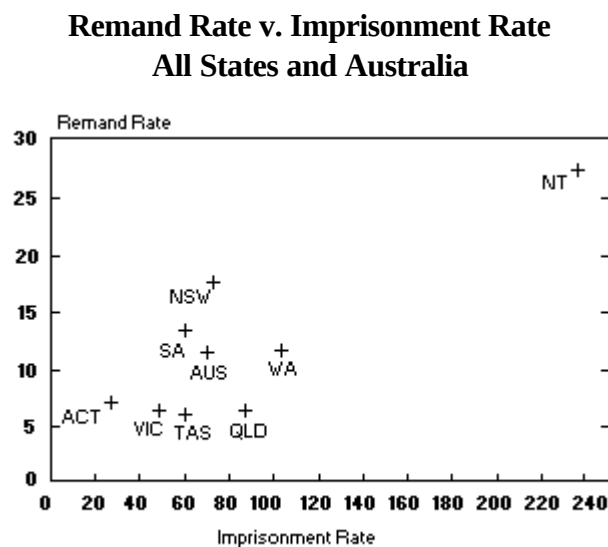
When the percentage of remandees in the general prison population is considered, South Australia has frequently had the highest percentage of remandees among the states. Over the last five years, an average of about 23 per cent of South Australia's prisoners have been held on remand. In recent months New South Wales has now overtaken South Australia, after having very similar figures for the whole time period.

The percentage of remandees has increased over the past ten years indicating that the remand population in Australia has increased faster than the general prison population. At many points, the South Australian remand percentage has been more than double the Australian average.

Remand Rate versus General Imprisonment Rate

Figure 1 shows the remand rate for all jurisdictions plotted against the general imprisonment rate. The graph shows that there is very little relationship between the remand rate and the general rate. A group of low remand rate jurisdictions (Australian Capital Territory, Victoria, Tasmania, Queensland) have widely differing imprisonment rates. South Australia and New South Wales have high remand rates with moderate imprisonment rates while the Northern Territory is extremely high in both rates.

Figure 1



Factors Affecting South Australian Remand Numbers

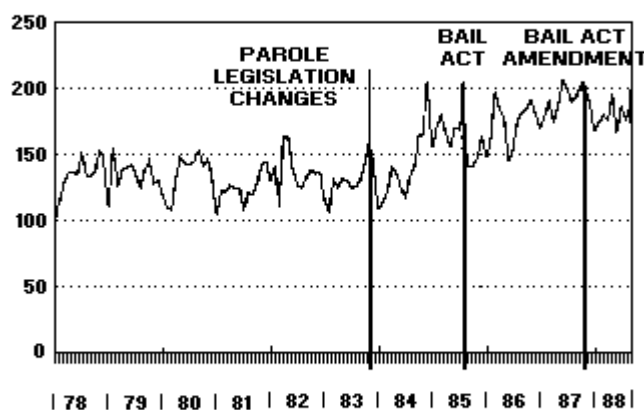
Figure 2 shows South Australian remand numbers over time together with the dates of several legislative changes. The change in parole legislation seems to have had a greater impact on the number of remandees than the introduction of bail legislation in 1985 or amendments to bail legislation in 1987. A possible mechanism for this effect is that more released offenders (and therefore recidivists) had parole status after December 1983. Judges and magistrates may be less willing to grant bail to parolees accused of a fresh offence than to alleged offenders who were released unconditionally.

Time Spent on Remand by South Australian Remandees

Figure 3 indicates the time spent on remand by all prisoners admitted on remand to South Australian prisons in 1986. The survey followed through all cases to the end of September 1987.

Figure 2

South Australian Remand Numbers 1978-1988



The distribution is highly skewed with large numbers of remandees spending from 0 to 7 days in custody but a small number of prisoners spending very long terms in custody before finalisation of the case. The mean time in custody was 39.3 days while the median time was 13 days. (Half the prisoners spent less than 13 days in custody while half spent more than 13 days.) Seventeen prisoners had spent more than 12 months in custody - prisoners charged principally with serious offences such as murder and armed robbery. There is evidence that the time spent in custody of these more serious cases is increasing.

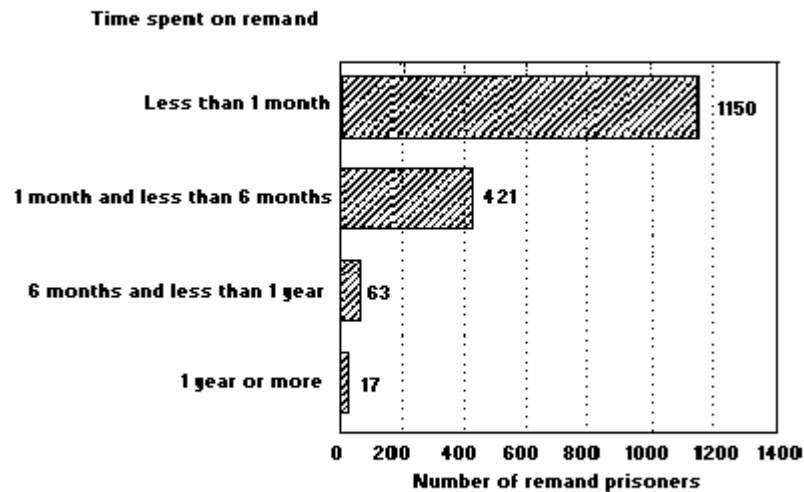
Questions Arising from these Differences

It would be extremely valuable to understand the dynamics of these very large differences in remand practices among the various jurisdictions. It may be that some jurisdictions are far better at reconciling the competing objectives of the various sectors within the criminal justice process. Some of the questions which are worthy of consideration are as follows:

- Are these differences due mainly to the number of individuals remanded in custody or to the length of stay?
- What would the impact be of improving court waiting times by, say, 10 percent?
- What are the priorities of defence lawyers in this process? Does the time for defence preparation lead to unduly long periods of remand?

Figure 3

Time Spent on Remand: Prisoners admitted in 1986 followed through until end of September 1987, South Australia



- How extensive is the alleged practice of giving prisoners a 'taste of imprisonment' prior to a non custodial sentence? There is no research evidence which would support the effectiveness of such a practice.
- Do some jurisdictions take a closer look at offenders before sentencing? What are the costs and benefits of this and how could the process be made more efficient?
- Is there too much reliance on monetary conditions of bail? A recent survey of remandees in the Adelaide Remand Centre indicated that over 10 per cent were in custody because they were unable to meet monetary conditions of bail and/or obtain a guarantor.
- What difference does parole status make to the likelihood of obtaining bail?

References

Biles, D. 1978-88, *Australian Prison Trends*, Australian Institute of Criminology, Canberra.