

XXXX  
XXXX

data.access@justice.gsi.gov.uk

January 2018

Dear XXXX

### **Freedom of Information Act (FOIA) Request – 171220007**

You asked for the following information from the Ministry of Justice (MoJ):

**How many hung juries have there been in 2017? 1. (a) If possible, please could you provide further information as to what crime the defendant was charged with?**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided some of it below. Our Crown Court case management system records trials where there is a failure to agree, but when those trials are subsequently rearranged and a verdict reached the date shown against that case is recorded as the date of the verdict rather than that of the hung jury.

However, the information after September 2017 is exempt from disclosure under Section 22(1) of the FOIA because it is intended for future publication. This is a qualified exemption which means that the decision to disclose the information is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

#### **Public interest considerations favouring disclosure**

- Disclosure would improve transparency in the operations of Government and of the justice system in particular.

#### **Public interest considerations favouring withholding the information**

- It is in the public interest to ensure that data used in the compilation of official statistics comply with the Code of Practice for Official Statistics and that resulting outputs are produced to the highest quality. Statistics of high quality are produced to sound methods, with all users having easy and equal access that is fair and open, and are managed impartially and objectively in the public interest. Premature publication could undermine the principle of making the information available to all at the same time through the official publication process.
- It is in the public interest to adhere to the existing publication process for official statistics, which includes time for the data to be collated and properly verified before placed in the public domain. This ensures that accurate information is available to all

members of the public at the same time. Premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

On balance, I have reached the view that the public interest is better served by withholding this information under Section 22 of FOIA at this time.

The attached tabulation shows trials that are currently shown on our systems as either a hung jury or a retried hung jury.

<b>Crown Court: Hung juries, January - September 2017</b>				
<b>Count of Case</b>	<b>Hung jury type</b>			
<b>Home Office Offence Group</b>	<b>Acquitted after retrial</b>	<b>Convicted after retrial</b>	<b>Jury discharged - unable to agree verdict</b>	<b>Grand Total</b>
<b>Drug offences</b>	1	1	4	<b>6</b>
<b>Fraud offences</b>		3	1	<b>4</b>
<b>Miscellaneous crimes against society</b>		2	8	<b>10</b>
<b>Possession of weapons</b>	3		2	<b>5</b>
<b>Public order offences</b>		2	2	<b>4</b>
<b>Robbery</b>		1	4	<b>5</b>
<b>Sexual offences</b>	25	18	32	<b>75</b>
<b>Theft offences</b>	1	4	8	<b>13</b>
<b>Violence against the person</b>	8	11	9	<b>28</b>
<b>Other</b>	2		5	<b>7</b>
<b>Grand Total</b>	<b>40</b>	<b>42</b>	<b>75</b>	<b>157</b>

Notes regarding the above data:

- The data is the most recent held.
- The data source is the Crown Court case management system which is a live system and data can change over time and may not accord with published statistics.
- The data has not been confirmed against locally held files.
- The figures relate to cases where the jury were hung on all counts of the case put before them.
- Mixed plea/verdicts have been excluded from the figures and this includes counts where the prosecution offered no evidence. Counts where no plea was taken or an 'other' plea was recorded are excluded.
- The figures include cases where decisions are pending as to whether or not to hold a retrial.
- The figures only relate to those juries who were discharged having been unable to agree a verdict. Some of these will subsequently have been retried. They do not include juries who were discharged by the judge following procedural or legal events occurring before they retired to consider their verdict.
- The verdicts recorded relate to the year the latest trial/re-trial recorded.

## **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**XXXX.**