

## Attorney General calls to discuss review of delay



The Attorney General, the Rt Hon Lord Goldsmith QC, visited Criminal Justice Inspection (CJI) in June to discuss the proposed inspection of delay in criminal cases. Avoidable delay is one of the most important challenges facing the criminal justice system in Northern Ireland. The Justice Oversight Commissioner in his report stated that the avoidance of delay in processing criminal justice cases is one of the prime essentials for an effective and efficient system but noted that 'the length of time taken for the processing of criminal cases continued to be an area of concern'.

### Consequences of delay are:

- Increased costs to criminal justice agencies
- Lowers the chance of a successful conviction
- Poorer quality of intervention for the offender,

particularly young offenders, and creates hardships for offenders on remand

- Prisons, Juvenile Justice Centre and Hostels are clogged up with remand prisoners
- Reinforces a negative experience for victims and witnesses
- Public confidence is dented in the criminal justice system

### The inspection will examine:

- How agencies such as the PSNI, the Public Prosecution Service (PPS) and the Courts are responding to the problem of delays
- How the processing of cases is measured (i.e. baselines, definitions and performance information systems in place)
- The impact on specific groups of individuals (e.g.

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young offenders in the youth courts) and types of case (e.g. committal proceedings)

- Whether specific policies or practices are adversely contributing to delays
- Recommendations for improving agency and collective practices and processes with regard to reducing delays

The Inspection will commence in June when agencies will be asked to send relevant documentation and data to CJI. This will be followed by further research and consultation meetings with stakeholders. Fieldwork will commence in all of the agencies at the beginning of October.

The inspection will be led by James Corrigan with the help of a team of inspectors from CJI and specialist assistance from the inspectorates of police (HMIC), courts (HMICA) and prosecution (HMCPSI).

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# INTERVIEW:

## Lord Clyde, the Justice Oversight Commissioner

### Your appointment was announced in June 2003 on the same day as that of the first Chief Inspector of CJI.

Yes, but unlike Kit's appointment mine was for a fixed period of three years. In the words of my Terms of Reference I was "to provide independent scrutiny of the implementation of the changes in the criminal justice arrangements and structures flowing from the Government's decisions on the Criminal Justice Review and the provisions of the Justice (Northern Ireland) Act 2002". These changes were set out in the revised



**The Rt. Hon Lord Clyde**

Implementation Plan which was published in June 2003. I am required to report to the Secretary of State, the Lord Chancellor and the Attorney-General every six months.

**Obviously adding up the mere number of recommendations implemented isn't a reliable measure of success. What are the most important outstanding issues?**

I would agree that a simple totalling of the number of recommendations completed at any one time is not a complete measure of progress. However, I have adopted a somewhat elaborate method of recording the progress of implementation for each of the 294 recommendations. This charts the steps through four stages to take account of how far work has gone on each and how far I and my team are satisfied that the work has in fact been carried through to an effective result. So the table which has formed the final appendix to each of my past reports may give some useful measure of progress.

Of the outstanding issues I would place the development of community restorative justice as a matter of particular importance and the important recommendations relating to victims still require some attention. Another outstanding matter of importance is the establishment of the Law Commission. This has been delayed pending the availability of finance, but is now able to make progress although it will not be completed during the period of my oversight. The prosecution service and the youth conferencing scheme are still in course of being extended to cover the whole of Northern Ireland.

**The Policing Oversight Commissioner has just had his term extended till 2007. Do you think there is a case for extending your term likewise?**

No. My appointment was for three years, and, as I said at the time, someone presumably thought that that was an appropriate period for the work. I believe that there should be little left to justify a continued oversight by June 2006 and I feel that any suggestion of extending the time for the work would adversely affect the current momentum for change and the positive efforts being made by the various criminal justice agencies to achieve completion of the reforms.

**How important is devolution to the process of improving the criminal justice system?**

Some of the recommendations are so tied in with devolution of the criminal justice system that they have to be left until that occurs. They are mostly of a structural character and I have from the outset sought to identify and list these in a separate chapter. However, others were plainly designed to be effected in a devolved system and the government has taken steps to enable some of these to be implemented in advance of devolution. The establishment of the Judicial Appointments Commission is an obvious example. The vast bulk of the reforms should be effected without devolution.

**One of the topics CJI will be tackling this year is Delay. Do you think Northern Ireland should adopt the Scottish practice of time limits for the prosecution to present its case?**

It is not part of my remit as Oversight Commissioner to advise how things ought or ought not to be done. My remit is tied to the recommendations and the oversight of their implementation by those responsible. What I have from the start been conscious of is the prime importance of achieving justice expeditiously both for victims and offenders. The new prosecution service is one area which should provide

an opportunity to achieve a significant reduction in the time taken for the processes of prosecution and trial. But the problem is one to be studied throughout the whole system of criminal justice. I am very glad that the Chief Inspector is tackling the topic of delay this year and I shall look forward with interest to see his conclusions.

## What is your biggest ambition for the criminal justice system in Northern Ireland?

To secure a system of criminal justice in which all the people of Northern Ireland may have a real pride and which may serve as a model for other countries.

## Inspections Reported

### Imprisonment of Women in Northern Ireland – Ash House

In November 2004 inspectors from CJINI and HMCIP carried out an unannounced inspection of Ash House which accommodates some 30 women prisoners. Ash House is one of



six blocks on the Hydebank Wood site. The other blocks house about 250 young offenders (all male) mainly aged between 17 and 23. The inspection found that the Northern Ireland Prison Service took no action to implement the recommendations of a 2002 Prison Inspectorate report into the conditions and treatment for women prisoners, then held at Mourne House at Maghaberry Prison. Instead, following two deaths and a critical report from the Northern Ireland Human

Rights Commission, the women and girls were moved to Ash House. The Chief Inspectors described this as “a poorly implemented decision to move women from a purpose-built environment, which was not being managed or operated as it should have been, to a much less suitable facility – without providing staff with sufficient specialist training, management or support to ensure that they could properly look after the women and girls in their care.” The NI Prison Service responded positively to the Chief Inspectors’ report, accepting almost all their recommendations. Work is planned to install integral sanitation in the cells in Ash House, and the NIPS recognises that even so Ash House cannot be a permanent solution to the problem of accommodating the women. There is now a dedicated Governor with responsibility for the women prisoners, reporting to the Governor of Hydebank Wood, and many aspects of the regime will be improved.

### Review of the State Pathologist’s Department

The Inspection report on the State Pathologist’s Department was published in June. The inspection found that the Department is providing a valuable 24 hour, 365 days per year forensic pathology service to the Coroners Service and wider criminal justice system. Key recommendations are targeted at strengthening the governance structures of the Department, enhancing the role of the Business Manager, improving working conditions of staff, building effective partnerships with key stakeholders such as hospital pathologists and tackling the problem of delays in submitting post mortem reports to the Coroners Service. A joint action plan, addressing each of the 30 recommendations, was prepared by the State Pathologist and the Northern Ireland Office and published as an appendix to the report.

## Work in Progress

Subject of Inspection	Lead Inspector	Current Position
Hydebank Young Offenders Centre	HMIP & Tom McGonigle	Final Editing - Publication end of July
Forensic Science NI	James Corrigan	Final Editing - Publication in July
Police Use of Forensics	HMIC	Final Editing - Publication in July
Police Ombudsman's Office	William Priestley	Final Editing - Publication in July
Victims & Witnesses	John Shanks	Final Editing - Publication in July
Target Setting & Performance Measurement	Kit Chivers	Preparation - Fieldwork in September
PBNI Corporate Governance	Tom McGonigle	Preparation - Fieldwork in September
Avoidable Delay	James Corrigan	Preparation - Fieldwork in October
Compensation Agency	Brendan McGuigan	Preparation - Fieldwork in September
Benefit Investigation Services	John Shanks	Preparation - Fieldwork in September
Role of Voluntary Sector	Tom McGonigle	Planning the inspection
Community Safety Partnerships	Paul Mageean	Planning the inspection
Maghaberry Prison	HMIP & Tom McGonigle	Planning - Fieldwork in October
Realising the Benefits of Causeway	William Priestley	Planning the inspection

## Victims and Witness Thematic Inspection

In April 2005 the Chief Inspector presented an emerging findings briefing report to the Criminal Justice Board outlining the strategic findings of this inspection. CJI have also met with representatives from the Justice Oversight Commissioners Office in relation to the Criminal Justice Review victim and witness recommendations.

Fieldwork undertaken between January and March 2005 has been evaluated by the CJI inspection team, led by John Shanks with assistance of Inspectors from HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary,

HM Inspectorate of Court Administration and the Head of Quality & Standards Department from the Victim Support National Office. With help from the statutory agencies, victims and witnesses, voluntary sector bodies and other community based groups recommendations are being formulated to improve the provision of care for victims and witnesses as they progress through the criminal justice system. The work of this inspection is nearing completion with a final report due to issue in early July 2005.

## Forensic Science Northern Ireland (FSNI)

Fieldwork for the inspection of Forensic Science Northern Ireland (FSNI) took place in February and the report will be published this summer. Key findings of the inspection include the need for a clearer sense of strategic direction and a more effective approach to succession planning as current management and many of the senior scientists are expected to leave the organisation in the near future. A number of recommendations are made in relation to improving relationships with stakeholders and customers, particularly the PSNI who account for over 90% of FSNI revenue. Reducing delays in providing reports to customers is critical to customer satisfaction as well as the efficient operation of the criminal justice system in Northern Ireland.



# Inspection of the Office of the Police Ombudsman

CJINI inspected the Office of the Police Ombudsman for Northern Ireland (OPONI) during April 2005. The process followed consultation with stakeholders and other interested parties as well as a comprehensive self-assessment, produced by the OPONI at the end of March. The whole process was greatly assisted by Greg Mullan, Director of Policy and Practice at the OPONI, who acted as liaison officer for the duration of the preparation and field-work phases of the inspection.

A team of inspectors from CJINI visited the offices of the Ombudsman at Cathedral Buildings, Belfast, during April, for a period of four days, conducting structured and semi-structured interviews, focus groups and physical inspections of operating processes. Inspectors



interviewed a broad cross-section of OPONI staff representing all directorates. Follow-up interviews were conducted to clarify issues as a result of emerging findings. At all times inspectors received the full co-operation of the Ombudsman and her staff, and were given full access to all areas of operation.

CJINI were assisted in this inspection by Ann Abraham, the Parliamentary and Health Service Ombudsman, who spoke

with Mrs Nuala O'Loan and her senior staff, and participated in the feedback of emerging findings to the OPONI senior management team.

The OPONI is presently preparing an action plan in response to the early findings.



## Getting to know about us

### Key facts from survey

#### Background

A telephone survey of 1000 respondents was conducted in March 2005 by Research and Evaluation Services (RES) on behalf of the Criminal Justice Inspection Northern Ireland (CJINI). Some of the headline information from this survey is produced below:

#### Have you heard of the CJINI?

Fourteen percent (143 respondents) of respondents indicated that they had heard of CJINI.

#### How confident would you be that CJINI would act independently of government?

Just under three-quarters (72%) of respondents were fairly (61%) or very confident (11%) that CJINI would act independently of government. Conversely, 12% of respondents were not confident (9%) or not at all confident (3%) and 16% didn't know.

#### Do you think CJINI can inspect the criminal justice system fairly?

Seven in ten respondents (71%) believe that CJINI will inspect the criminal justice system fairly, 10% disagree while 19% didn't know.

#### In your opinion: Which part of the system is most in need of improvement?

Nearly two fifths (38%) of respondents indicated youth justice, (29%) the police, 13% new public prosecution service, 5% prisons and 3% probation - 12% did not know.

# Common Purpose - Leaders on the future of the Criminal Justice System in Northern Ireland

Is Northern Ireland a more criminal society than elsewhere in Europe? Do criminals get off too lightly when sentenced by the courts? Do victims of crime have a say in what happens to the perpetrators of crime? These were just some of the questions explored by participants on the Crime Challenge day of Common Purpose's Matrix programme for senior decision makers in Belfast.



As the foundation of the day Kit Chivers, challenged the Matrix participants to map out what they thought the CJS would look like in 10 years' time. Dr Marie Smyth gave a short future trends presentation based on known socio-economic trends. Briefed with this information groups departed for site visits to seven different organisations relevant to the CJS and providing some further perspectives on the challenge under consideration. These ranged from charities like Victim Support and

Community Restorative Justice through to statutory bodies like the PSNI, Youth Conference Service, Prison Service Maghaberry and the Criminal Assets Recovery Bureau.

In the afternoon groups shared experiences of the site visits and began developing their responses to the Criminal Justice Challenge, working on the presentations that they would share with Kit and a panel of other senior leaders active in leading change in the

criminal justice system.

Belfast Matrix is an eleven-day programme for senior leaders across all sectors and from very diverse backgrounds, delivered by leadership development organisation Common Purpose. Common Purpose brings together leading individuals from the public, private and community/voluntary sectors for an intensive programme of discussions and visits aimed at helping those involved - and the organisations they represent - understand each other and network more effectively.



Now the organisers are hoping to bring in a new group of leaders... the Belfast Matrix 2006 programme is currently open for applications. For further information about Common Purpose programmes please contact NI Director Janine Fullerton on +44 (0)28 9060 8227 or email: [janine.fullerton@commonpurpose.org.uk](mailto:janine.fullerton@commonpurpose.org.uk)

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## New Staff

Paul Mageean joined the inspectorate team on 6 June. Paul qualified as a solicitor in 1991 and spent almost five years in private practice with one of Belfast's leading criminal law firms, P.J. McGrory & Co, where he worked on a number of high-profile Diplock cases. He also worked on the written submissions in the McCann v UK case which led to the first right



to life violation by the European Court of Human Rights.

In 1995 Paul joined the Committee on the Administration of Justice (CAJ), Northern Ireland's foremost human rights organisation, as their Legal Officer. During his time at CAJ Paul successfully brought a number of cases to the European Court of Human Rights leading to the groundbreaking judgments of Kelly v UK and Shanaghan v UK. He also worked closely with the families involved in the Cory process leading to public inquiries in the Nelson, Wright and Hamill cases. Paul also led CAJ's policy work on emergency laws, criminal justice, inquests and some aspects of policing.

After a short period as Acting Director at CAJ, Paul joined the Court Service as Head of the Criminal Justice Secretariat in

2004, where he had responsibility for ensuring implementation of the relevant recommendations of the Criminal Justice Review within the Court Service. He also provided policy advice to the Director of the Court Service on a wide range of criminal justice matters, regularly attending meetings of the Criminal Justice Board.

Paul received a Masters in Human Rights Law from Queen's University Belfast in 1994 and has published a number of academic articles on the human rights aspects of the peace process. He has been involved in extensive human rights training, particularly in the Middle East, where he participated in a project to train Arab lawyers on behalf of the Law Society of England and Wales.

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## Moving On

Head of Research and Communication at Criminal Justice Inspection, Marie Smyth has moved on, she left CJI at the end of May, and will take up an appointment in the University of Wales in the Department of International Politics, heading up a research centre there in terrorism studies

She was the second person to be appointed to CJI, back in April 2004, Chief Inspector Kit Chivers having been appointed the previous August. Marie's first office was in Massey House, where she and Kit were based prior to the move to their new offices in Great Victoria Street in

July and CJI 'going live' in October 2004.

*'It is sad to leave CJI, since I was here from the outset. I was fortunate to be here from the beginning and to have the opportunity to influence the early stages of CJI's development, and that has been very exciting and gratifying. I particularly enjoyed introducing Kit to people in the wider community in Northern Ireland, and getting out and about with him.'*

CJI is a very young organisation, and as the team has grown Marie seen a lot of change and development.

*'I have been particularly excited by the calibre of staff that CJI has attracted onto its inspection team. These are astute, committed, enthusiastic people, who care about what they do, and about the future of the criminal justice system. I wish them and CJI as a whole all the best for the big challenges that face them and the system as a whole. More power to the CJI elbow, as we say in Northern Ireland.'*

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# Regulatory Agencies Scoping Exercise

Over the last few months I have been carrying out a scoping exercise of the regulatory agencies that fall within CJINI's inspection remit.

*The aim of the scoping exercise was to;*

- 1) Obtain background information about the agencies and to identify the extent to which they are involved with the criminal justice system.
- 2) Receive up to date information on the agencies in particular the number of cases that are prosecuted per year, budget, resources, legislation and powers used, business processes and which over arching department they are accountable to.
- 3) Identify any issues that impact on the agencies and their enforcement/ prosecution duties.
- 4) Produce a brief on each agency detailing all the above information and any other supporting material received.
- 5) From all the information received assess the suitability for an inspection by CJINI taking into account all the above factors and public interest/safety.

*The regulatory agencies included in the exercise were*

- Health & Social Services Boards and Trusts
- NI Child Support Agency
- NI Tourist Board
- Royal Mail Group plc.
- Health and Safety Executive
- Trading Standards Service
- Insolvency Service
- Companies Registry
- Planning Service
- Environmental Heritage Service
- Driver & Vehicle Testing Agency NI
- Driver & Vehicle Licensing NI

The scoping exercise has been very interesting and informative. Coming from a criminal justice system background I had limited knowledge of the regulatory agencies, the enforcement methods available to them and the work that is being carried out across Northern Ireland. I would like to thank those who

assisted me in the exercise and providing information and issues to consider. General issues that were identified have been communicated to other inspectors to consider in forthcoming inspections, for example the delays thematic.

Over the next few months the findings will be shared with those included in the exercise and a report will be published over the summer identifying which of the agencies will be scheduled into CJINI's inspection programme.

**Ann Duncan- Assistant Inspector**



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