



Inspection report calls for intelligence-led enforcement by DoE

In October CJI published its report on enforcement by the Department of the Environment (DoE) and its three Executive Agencies: the Environment and Heritage Service, the Planning Service, and the Driver and Vehicle Agency.

Crimes against the environment such as illegal dumping, pollution and the destruction of natural habitats and protected buildings, require investigation and appropriate sanctions as does the misuse of the roads.

In this report Inspectors called for a clear statement of intent from the DoE on its enforcement responsibilities, which should be supported by more streamlined structures, policies and procedures.

“Weak enforcement creates inequality and allows persistent and/or hard core offenders to unfairly compete with legitimate businesses as well as to evade justice,” said James Corrigan, who led the Inspection on behalf of CJI.

“The report recommends that a more intelligence-led approach to enforcement is implemented through better partnerships with other Law Enforcement Agencies and more robust criminal



Illegal dumping is a crime against the environment.

investigations and prosecutions,” he said.

The Inspectorate recommended that a core skill set for enforcement staff be developed which should be linked to career development, training and access to learning and best practice.

“The key tools for the job need to be standardised across the different agencies and take account of specific health and safety concerns,” said James.

Inspectors recommended that management information systems should also be improved to aid

enforcement and better report performance to managers and the public.

“We found lots of enforcement activity but a relatively small number of prosecutions and have recommended a review of legal advice/prosecutions as well as the development of a more specialised legal jurisdiction for environmental crime.

“Deterring future crime will also require application of the polluter pays principle involving recovery of investigation and clean-up costs,” he concluded. ■

Prioritising the needs of victims and witnesses

The needs of victims and witnesses engaging with the criminal justice system in Northern Ireland took centre stage in September when Criminal Justice Minister Paul Goggins MP, unveiled the Government's five-year strategy aimed at addressing their needs.

The strategy – which was developed in response to CJI's 2005 report on improving the care of victims and witnesses in Northern Ireland – was launched by Paul Goggins at the Hilton Hotel, Belfast. The launch was attended by the Lord Chief Justice, Sir Brian Kerr, Susan Reid, Chief Executive of Victims Support NI, Kit Chivers and a number of victims of crime.

During his address CJI's Chief Inspector Kit Chivers said the strategy was a comprehensive response on behalf of all the agencies, which showed a real commitment to improving the care of victims and witnesses.

He also stressed there was still a need for a culture change within the agencies taking on board the importance of listening to victims and witnesses as they are the tangible customers of the criminal justice system.

"CJI's original inspection identified the lack of a joined-up approach among the agencies, unevenness in the delivery of services and a failure to help victims and witnesses understand the system," said Kit.

"It also highlighted a lack of ownership of the issues on the part of agencies and in particular, a lack of success in relation to victims and witnesses from among the most vulnerable groups, such as the



Kit Chivers pictured at the launch of the Government's strategy for Victims and Witnesses with (from left) Sir Brian Kerr, Lord Chief Justice; Criminal Justice Minister, Paul Goggins MP, and Susan Reid, Chief Executive Victim Support NI.

victims of racially motivated and homophobic crime," he said.

The Lord Chief Justice took the opportunity to emphasise the importance of caring for victims and witnesses through what could be a stressful court process. He added that while judges were sometimes perceived to be indifferent to the feelings of victims, this was far from the case.

Susan Reid from Victim Support NI acknowledged the progress that had been made since CJI's report in 2005. She noted that Victim Support now found staff in many criminal justice agencies were going out of their way to help victims and witnesses.

She called for further improvement in the care of victims and witnesses in areas such as communication; inter-agency working; better and accessible information; ensuring suitable accommodation was available and

by improving access to buildings.

The launch was attended by representatives of all the criminal justice agencies and the voluntary organisations involved in victim and witness care.

"Any service organisation needs to listen to its customers, but it is especially important for organisations within the criminal justice system which are dominated by groups of professionals who have a strong sense that they know best," said Kit.

"There is always a danger that such organisations can get out of touch with the real wishes of the people they are there to serve, that is why focusing on victims and witnesses has injected exactly the element of challenge the agencies needed."

The Chief Inspector concluded by stating that CJI would be keeping a close eye on the progression of all the elements of the strategy. ■

New Inspector expands experience of CJI team

Criminal Justice Inspection has appointed a new Inspector to join its Inspection team.

Rachel Tupling joined CJI in July having previously worked at the Central Police Training and Development Authority (Centrex, now part of the National Policing Improvement Agency) as a Higher Psychologist where she had responsibility for designing and delivering promotion assessment centres for the Police Service of Northern Ireland since 2004.

Prior to this, Rachel worked for Centrex for two years as a Psychologist involved in Police SEARCH® – the National Recruitment Assessment Centre for Police Constables.

“I developed an interest and understanding of the PSNI through my work with Centrex and felt the post of Inspector with CJI would provide a wonderful opportunity to

work with and gain an understanding of the other criminal justice agencies in Northern Ireland,” said Rachel.

“Much of the work I have been involved in to date has focused on bringing about progress in policing environments and I feel this experience is something which will benefit me in my role as an Inspector with CJI,” she said.

Rachel graduated with a BSc Hons in Psychology from the University of Birmingham in 1999. She then went on to complete a Post-Graduate Diploma in Personnel Management from Leeds Metropolitan University in 2000.

Rachel then took up a post as Personnel Officer at Leeds Teaching Hospitals NHS Trust – a position she held for two years while she continued her studies to achieve an MSc in Occupational Psychology from the University of Leicester. Rachel is also a Chartered Occupational Psychologist



Rachel Tupling.

and a Chartered Member of the Chartered Institute of Personnel and Development.

“I hope that my background in human resource management and the experience I have gained both with Centrex and also through my involvement with Her Majesty’s Inspectorate of Constabulary during an attachment looking at National Recruitment Standards within the police in England and Wales, will assist me in my new role,” she said.

Rachel will be involved in CJI’s forthcoming inspections looking at the use of Anti-Social Behaviour Orders (ASBOs), Policing with the Community and the Juvenile Justice Centre. ■

Stakeholder Conference 2008

Criminal Justice Inspection is pleased to announce it will be holding its 2008 Stakeholder Conference on Thursday 17 January at the Stormont Hotel, Belfast.

The topic for the conference is *D-Day for Criminal Justice: Preparing for the devolution of policing and criminal justice in Northern Ireland.*

“Our 2007 conference was very well attended and we hope that next year’s event will build on this success and provide an opportunity for a genuine, open discussion of the benefits and challenges the devolution of policing and criminal justice matters will present in Northern Ireland,” said CJI’s Chief Inspector Kit Chivers.

In the past CJI’s Stakeholder Conference has been attended by key players within all the criminal justice agencies as well as leading representatives from the voluntary and community sector.

“We believe our 2008 conference will be no exception and we anticipate a wide range of politicians and academics who are active in this field will attend the one-day event,” he said.

Among the topics being examined will be the impact of the devolution of policing and criminal justice in terms of budgets and increased accountability and how agencies can prepare for this development.

“We also intend to look at the challenges that will be presented in the

initial years after these matters are devolved among other issues,” added Kit.

Invitations to the event will be issued in November and prospective delegates are encouraged to indicate their wish to attend at the earliest opportunity.

“The Stakeholder Conference also provides an opportunity for CJI to consult stakeholders on its future work programme and we are keen to ensure this consultation process is as wide ranging and inclusive as possible,” he concluded.

Further details of the Stakeholder Conference will be included in the next edition of *The Spec*. ■

Causeway on track for delivery in summer '08

CJI published the findings of its second report on Causeway – the IT system aimed at improving the way local criminal justice agencies share information – at the beginning of October.

The report, a result of a follow-up review examining progress against recommendations made in the CJI 'Connecting Criminal Justice' report published in July 2006, found the delivery of the second phase of the programme (DSM 1) should be achieved in June 2008 in line with its revised timetable.

The review found that two thirds of the recommendations made in CJI's first report had been achieved, and that failures within the various criminal justice agencies to provide the necessary resources to support the programme in its initial stages, had been addressed.

The follow-up report found there was potential for further delay to the programme but that a more robust management structure had been established which improved the chance of delivery being on schedule.

"Agencies have worked hard to address recommendations made in the initial report. The PSNI had devised a training strategy to deliver the Niche RMS case preparation system and the PPS has put in place a monitoring system for the early identification of potentially statute barred cases," said CJI Inspector Bill Priestley.

"An investment appraisal of the next two stages of Causeway will be carried out in 2008 and CJI hope that approval will be given for funding to allow the outstanding stages of the project to be delivered so that it becomes fully operational by December 2009," he said. ■

CJI Inspector gives presentation to Human Rights Working Group

Paul Mageean was invited to give a presentation to the Bill of Rights Forum Working Group on Criminal Justice and Victims' Rights at the Interpoint Centre, Belfast in September.

The Bill of Rights Forum has been established to inform the working of the Northern Ireland Human Rights Commission (NIHRC) as it seeks to provide advice to the Government on the content of a Bill of Rights for Northern Ireland.

The Forum has established a number of Working Groups to assist with its deliberations including one to examine the area of criminal justice and victims' rights. The Working Group is tasked

with producing advice to the Forum on the issues within its remit.

Paul, who had been the Rapporteur of a previous NIHRC Bill of Rights working group on this topic, was invited to speak to the Working Group on international human rights standards and criminal justice.

His talk covered the issues of arrest; treatment and conditions in detention; fair trial rights; access to legal advice, and the age of criminal responsibility.

The Working Group, which is composed of representatives of the various political parties and the community and voluntary sector, then engaged in a discussion with Paul about the various issues that arose in his presentation and other matters of interest. ■

FSNI making progress but further work required

A follow up inspection report on Forensic Science Northern Ireland (FSNI) published in August found improved management arrangements since it was initially inspected two years ago.

Following a period of little progress, Inspectors were encouraged to find a more determined approach to tackling the problems of the Agency.

Key recommendations on corporate governance and better strategic relationships with the police have been achieved and Inspectors were pleased to find that the quality of the science is paramount and UKAS accreditation for FSNI has been maintained and extended.

A number of recommendations

require action such as the development of a common numbering and identification system for exhibits passing from the PSNI to the laboratory.

There is also a need for the Agency to develop new markets into which it could sell its specialist expertise in areas such as trace explosives and firearms.

"CJI has welcomed the effort made to date by FSNI and the renewed commitment expressed by its Chief Executive Stan Brown to implementing the outstanding recommendations," said CJI's Chief Inspector, Kit Chivers.

"As the Agency is going through a period of significant re-structuring, it is the intention of CJI to undertake a full inspection of the Agency in 2008," he said. ■

Joint inspection of PPS carried out by CJI and HMCPSI

CJI and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) recently published its report on the first inspection of the Public Prosecution Service (PPS).

The inspection report – which focused on the extent to which the PPS is meeting its aim of providing a fair, independent and effective service to the people of Northern Ireland – made 17 recommendations for change within the PPS and identified another 21 issues to address for the organisation.

A team made up of inspectors from the HMCPSI and CJI visited each PPS region and spoke to a range of consultees including representatives of other statutory agencies, members of the judiciary, defence lawyers, political representatives, and non-governmental organisations.

Inspectors carried out an examination of a sample of over 300 PPS files closed during the three months leading up to November 2006 to determine the quality, independence and fairness of PPS decision making.

This involved examining issues such as the giving of reasons when decisions

are taken not to prosecute or to withdraw cases, as it has usually been the practice of the PPS until now, not to give detailed reasons when such decisions are taken.

Inspectors however recommended this should change and clear explanations of the reason/s why a case is not being prosecuted or proceedings withdrawn, should be provided for either victims or their representatives save in exceptional circumstances.

During the course of the inspection, Inspectors looked at the status of the PPS as it is funded by the NIO yet it is subject to the superintendence of the Attorney General. The impact this arrangement has in terms of accountability in relation to decision making, performance and managerial issues was also touched upon.

Inspectors also recommended that the status of the PPS be put on a more solid footing.

“We feel it would be preferable if the PPS was established as a independent government department instead of sitting as part of the NIO for staffing



Paul Mageean (second left) pictured with Diane Hurlley, Jonathan Carver and Derek Gibbs (HMCPSI).

and budgetary purposes, but independently of it for operational purposes,” said Paul Mageean.

“The inspection recognised the progress that has been made by the PPS in rolling out its operations across Northern Ireland. We hope the roll-out will be completed in the very near future with the opening of offices in Derry/Londonderry, Omagh and Newry.

“The inspection report showed a culture shift is necessary within the PPS to allow greater transparency and a more engaged relationship with the public.

In that context, we feel the PPS has an opportunity to establish itself as an influential actor and one which matches the recent progress made in Northern Ireland as a whole,” he concluded. ■

Follow-Up Review of PSNI Scientific Support Service

CJI and Her Majesty's Inspectorate of Constabulary (HMIC) have published a joint follow-up report on scientific support services in the PSNI.

The Inspectors were encouraged by the progress made by the PSNI towards full implementation of the recommendations from the original inspection report in 2005.

“The appointment of a champion for ‘volume crime’, the formation of a forensic strategy group and the

improved resources for a submissions unit are all positive developments, which will help to improve the investigation and detection of crime,” said CJI’s James Corrigan.

“Inspectors noted there is a continued need to improve the forensic awareness of frontline officers as well as better targeting of training,” he said adding that a five-day evidence model was now included as part of the initial Student Officer training programme.

The follow-up review which was

published in August found work was ongoing in relation to quality control and continuity of evidence in key areas such as exhibit gathering and storage.

“Eight of the original recommendations have already been fully implemented and Inspectors from CJI and HMIC will continue to monitor all outstanding recommendations until full implementation has been achieved,” said James. ■

RISING TO THE CHALLENGE

CJI's Assistant Inspector Ian Craig has been presenting young people with challenges as part of the Common Purpose *Your Turn* programme in both Ballymena and Belfast since November 2006.

The programme encourages young people aged 14 to 15 years from different backgrounds and schools, to come together to examine common problems and think in new ways about the area where they live.

"I took over from Brendan (CJI's Deputy Chief Inspector) in late 2006 and have now participated in four conferences, three in Ballymena and one held in Belfast," explained Ian.

"For the first two conferences in Ballymena the young people were asked to put themselves in the position of a new student from

Eastern Europe, look at the difficulties they could face integrating into their school and discuss these issues.

"As part of the challenge participants were asked to develop a welcome pack to help such new pupils feel part of their school," continued Ian.

For the final conference in Ballymena and first conference in Belfast the topic for the challenge was changed and young people were encouraged to look at and try to understand the difficulties faced by a school principal in deciding a suitable punishment for a number of scenarios.

"Students were responsible for the level of punishment and encouraged to look at the consequences their decisions could have on their standing within the school," explained Ian.

Reflecting on his involvement with the Common Purpose *Your Turn*



Ian Craig pictured with students participating in the Common Purpose *Your Turn* programme.

programme, Ian said he had been impressed by how the young people had risen to the set challenges and by the excellent, thought provoking work which they had produced.

Having participated in the programme for nearly 12 months, Ian said it was his intention to continue his involvement with the initiative in 2008. ■

CJI examines the handling of complaints in the CJS

As reported in *The Spec* in March 2007 the handling of complaints by criminal justice organisations (CJOs) was inspected by CJI during December 2006 and January 2007.

The inspection included the seven main CJOs; PSNI, PBNI, NIPS, YJA, OPONI, NICTs, and PPS and was limited to those complaints made by external recipients of the services delivered by the CJOs as opposed to internal matters such as grievances.

This Inspection was carried out alongside work being conducted by NICCY in the Juvenile Justice Centre and by RQIA at Lakewood secure unit for children. The reports were launched on 26 June.

The report commented that there is a distinction to be drawn between complaints by those who are 'customers' of the criminal justice system, i.e. members of the public, and 'clients' who are subject to the system for example, in custody or

serving community sentences.

Broadly speaking, Inspectors found that each of the CJOs complaint systems was operating well. Most organisations ensured that information on complaints had been provided to customers in the most appropriate ways. Complaints handling processes varied within organisations but generally those complaints that had been recorded had been investigated and monitored at the appropriate levels.

Some systems had only recently been implemented or reviewed and enhanced, for example, the YJA system. Such processes need time to become embedded before any further refinement. The OPONI were found to be providing a good complaints service in respect of complaints against the police and the revised NICTs complaints system was operating effectively.

There was disparity between CJOs as to the definition of a complaint that

should be formally recorded and dealt with. Many low level issues raised by people interacting with the CJOs were not escalated to complaint status. However, a system-wide definition of a complaint may be too generic or restrictive to be of use to organisations and their customers.

External supervision of complaints against the main CJOs rests with a variety of oversight bodies or individuals each of which may have a different legislative status and remit. The report recommended that within the jurisdiction of Northern Ireland consideration should be given to developing one complaints oversight body for all of the CJOs.

The report went on to make several other recommendations in respect of most of the CJOs inspected, aimed at improving how they deal with complainants, and how information from complaints is used to inform organisational development. ■

CJI to focus on Mental Health issues in the criminal justice system in 2008-09

One in four people will suffer from a mental illness at some point in their lives.

Although the severity of their problems will vary, this statistic from the Department of Health, Social Services and Public Safety (DHSSPS) shows how mental illness will impact on families, friends, communities and will present in different forms to society including the Criminal Justice System (CJS).

It is a general principle of law that a person liable to be punished should, at the time of the crime, have the capacity to understand what they are required by law to do, and to control their conduct in the light of such decisions. Adults are generally assumed to have these capacities, but they may be lacking where there is mental disorder or immaturity.

If someone does not have this capacity, then it can be argued they should not be punished but should instead be diverted away from the CJS to the appropriate services.

Following consultations with agencies and outcomes from CJI's 2007 Stakeholder Conference, an inspection of mental health issues that impact across the CJS in Northern Ireland was included in the 2007-08 inspection programme.

"In October 2002 the DHSSPS initiated a major, wide ranging review (*the Bamford Review*) of the law, policy and provision affecting people with mental health needs or a learning disability in Northern Ireland," said Lead Inspector John Shanks.

"During research CJI established that one of the series of *Bamford Review* reports entitled "*Forensic Services*" made 169 recommendations for improvement which in the main, impacted on the CJS," he said.

Work for that report was controlled through the Forensic Services Working

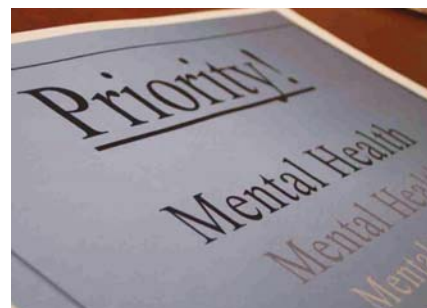
Committee led by Dr Fred Brown and supported by, amongst others, representatives from the PSNI, NIPS, YJA, PBNI, PPS and NICtS.

The committee adopted the following remit. "To examine the needs and make recommendations for services for mentally disordered adult offenders and those with similar needs including mentally disordered people:

- in police stations;
- attending court;
- on bail;
- in prisons and young offenders' centres;
- in contact with probation services;
- requiring specialised forensic services; and
- in high, medium and low security inpatient settings for community forensic services, including both statutory and independent services."

While many of the recommendations impact on the CJS, the driver for taking them forward is through the DHSSPS who have needed to address resource issues to help progress the work of implementing the reports.

"When the principal agencies engaged with CJI during research for



the inspection it was established that a significant amount of development work is currently being undertaken which will require further time to implement," said John.

"The Chief Inspector subsequently reviewed the situation and agreed in the interests of making the most effective use of resources to defer the inspection to 2008-09 to facilitate strategy and policy development," he explained.

CJI looks forward to undertaking this work in the next business year. In the interim the Inspectorate plans to host a workshop in early 2008 to establish how the individual agencies, and collectively the CJS, are progressing their approach to managing mental health issues.

This will facilitate the development of the appropriate terms of reference and outline the inspection programme to be undertaken during 2008-09. ■

CJI Christmas Reception

CJI will be hosting its annual Christmas Reception on Monday 10 December from noon until 2pm.

The event, which will be held at CJI's offices at 14 Great Victoria Street, Belfast, provides an informal opportunity for the CJI team to meet stakeholders and agency representatives and thank them for their help during the last 12 months.

Police Ombudsman's Office praised by Inspectors in follow-up review

A follow-up review of CJI's inspection report on The Office of the Police Ombudsman for Northern Ireland (OPONI) praised the work undertaken by the Office since 2005.

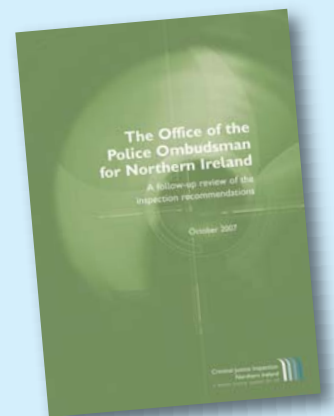
The review published at the beginning of October found that OPONI had implemented the majority of the 13 major and 14 minor recommendations made by CJI in its inspection report.

"Inspectors found that communication channels within OPONI had been enhanced and regular updates were now provided for staff by the Chief Executive of the organisation. As a result staff told CJI Inspectors they felt more informed than before," said Bill Priestley who led the review on behalf of CJI.

Outreach and consultative work was also found to have improved since the original inspection as had the level of work undertaken to secure a community and stakeholder perspective on the activities on the Office.

"We were disappointed to find a recommendation to implement targeted presentations for Detective officers in police districts had not been achieved. However, other outreach work ensured the coverage of CID officers had increased by delivering presentations to officers participating in Detective training programmes," Bill said.

The quality of letters issued to complainants when an investigation had been 'closed' by the OPONI had also improved with letters now containing a summary of the action taken by the Office during its



investigation. Efforts are continuing to ensure all cases are dealt with in a consistent manner.

CJI repeated its original finding that the Office of the Police Ombudsman was an effective and efficient organisation which was keen to improve further. Inspectors were satisfied there was enough impetus within the organisation to fully carry through any outstanding recommendations without any further inspection review. ■

CJI Inspector addresses seminar on OPCAT

CJI's Paul Mageean has been leading discussions for CJI on OPCAT (the Optional Protocol to the United Nations Convention Against Torture) and as a result was invited to speak on the subject at a seminar organised by the Irish Council of Civil Liberties in Dublin recently.

OPCAT was adopted by the General Assembly of the United Nations in December 2002 with the purpose of preventing ill-treatment or torture occurring in places of detention by establishing a system of regular visits to places of detention, to be carried out by independent international and national bodies.

The protocol came into force in June 2006 and it has already been signed and ratified by the UK. The OPCAT sets up a new international monitoring body, the United Nations 'Sub-Committee for the Prevention of Torture' (UN-SPT), and requires States to designate or create effective 'National Preventive Mechanisms' (NPMs).

The Government is in the process of designating NPMs for the UK and has been in discussion with CJI for some time in relation to designating it as the NPM for Northern Ireland.

"As I have taken a lead in these discussions on behalf of CJI I was invited to speak at the seminar in Dublin to raise awareness of the

implications of the OPCAT for those most likely to be directly affected by it in the Republic of Ireland," said Paul.

"The event was designed to inform senior representatives of An Garda Síochána, the Irish Prison Service and Health Service Executive as well as representatives of bodies that may be designated as 'National Preventive Mechanisms' such as the Irish Human Rights Commission, the Inspectorate of Prisons and Places of Detention, the Garda Ombudsman Commission and the Inspectorate of Mental Hospitals," he explained.

Senior officials from the Department of Justice, Equality and Law Reform and legal practitioners who frequently represent people deprived of their liberty were also in attendance.

During the seminar Paul updated delegates on the progress made to date in Northern Ireland on OPCAT and the likely developments which may occur in the near future. ■