



VICTIMS AND WITNESSES

THE CARE AND TREATMENT
OF VICTIMS AND WITNESSES
BY THE CRIMINAL JUSTICE
SYSTEM IN NORTHERN IRELAND

SUMMARY

JULY 2020

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THE CARE AND TREATMENT OF VICTIMS AND WITNESSES BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

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July 2020



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LIST OF ABBREVIATIONS

ACC	Assistant Chief Constable
CH	Call Handler
CJA	Criminal Justice Agency
CJB	Criminal Justice Board
CJDG	Criminal Justice Delivery Group
CJI	Criminal Justice Inspection Northern Ireland
CJS	Criminal Justice System
CLT	Community Liaison Team
CMC	Contact Management Centre
CMSU	Contact Management Support Unit
CO	Case Officer
COPFS	Crown Office & Procurator Fiscal Service (Scotland)
CPS	Crown Prosecution Service (in England and Wales)
CPT	Case Progression Team
CRM	Customer Relations Management
CSAE	Child Sex Abuse and Exploitation
CWG	Communications Working Group
DASH	Domestic abuse, stalking and honour-based violence risk assessment forum
DoJ	Department of Justice (Northern Ireland)
DV	Domestic Violence
EI	Emotional Intelligence
EU	European Union
E&W	England and Wales
FLO	Family Liaison Officer
FR	First Responder/response
GSB	Gold, Silver and Bronze Command
HMG	Her Majesty's Government
HMIC	Her Majesty's Inspectorate of Constabulary (now HMICFRS)
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
IAS	Independent Assessor of Complaints
INA	Initial Needs Assessment
KSI	Key Stage Interface
LPT	Local Policing Team
MoU	Memorandum of Understanding
NI	Northern Ireland

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NICHE RMS	Police Service of Northern Ireland Records Management System
NICTS	Northern Ireland Courts and Tribunals Service
NIM	National Intelligence Model
NIPC	Northern Ireland Policing College
NIPS	Northern Ireland Prison Service
NIVAWS	Northern Ireland Victim and Witness Survey
NPCC	National Police Chiefs' Council
NPT	Neighbourhood Policing Team
NSPCC	National Society for the Prevention of Cruelty to Children
OBA	Outcomes Based Accountability
OCMT	Occurrence Case Management Team
OPONI	Office of the Police Ombudsman for Northern Ireland
PBNI	Probation Board for Northern Ireland
PCSP	Police and Community Safety Partnership
PEEL	Policing Effectiveness, Efficiency and Legitimacy
PfG	Programme for Government
PPS	Public Prosecution Service for Northern Ireland
PRVIS	Prisoner Release Victim Information Scheme
PSNI	Police Service of Northern Ireland
RFI	Request for further information
RI	Registered Intermediaries
RPU	Roads Policing Unit
SEA	Station Enquiry Assistant
SIO	Senior Investigating Officer
SOTP	Student Officer Training Programme
SPOC	Single Point of Contact
THRIVE	Threat, Harm, Risk, Investigation, Vulnerability and Engagement
ToR	Terms of Reference
TRU	Telephone Resolution Unit
TTCG	Tactical Tasking and Co-ordinating Group
UK	United Kingdom
VLU	Victim Liaison Unit
VIA	Victim Information and Advice (Scotland)
VIU	Victim Information Unit
VRAM	Vulnerability Risk Assessment Matrix
VSNI	Victim Support Northern Ireland
VWCU	Victim and Witness Care Unit (Northern Ireland)
VWSG	Victim and Witness Steering Group
WCO	Witness Care Officer
WCU	Witness Care Units (England and Wales)
YJA	Youth Justice Agency

A NOTE ABOUT TERMINOLOGY USED IN THIS REPORT

Victim¹ - has the meaning attributed under Article 2 of directive 2012/29/EU of the European Parliament and of the Council, i.e.

- a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; or
- family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

Witness² - has the meaning attributed by Section 30(9) of the Justice Act (Northern Ireland) 2015, i.e. a person who -

- has witnessed criminal or other conduct in relation to which that person may be or has been called to give evidence in criminal proceedings;
- is able to provide or has provided information or any other thing which might assist a criminal investigation or which might be or has been used in evidence in criminal proceedings; or
- for any other reason is called or might be called to give evidence in criminal proceedings.

Family members³ - has the meaning attributed under Article 2 of directive 2012/29/EU of the European Parliament and of the Council, i.e.

- the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim.

Special Measures⁴ (or Special Court Measures) - are measures which have been put in place to help vulnerable and intimidated witnesses give their best possible evidence in court, i.e.

- screens around the witness box to prevent you from having to see the defendant and the defendant from seeing you - you will still be seen by others in the court including the Judge, jury, lawyers and barristers and, in some courts, the public gallery;
- giving evidence via a live TV link outside the courtroom - you will be able to see the courtroom and people in the courtroom, including the defendant, will be able to see you on a television screen;

1 *Directive 2012/29/EU of the European Parliament and of the Council, Article 2 (2012).* Available at eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029

2 *Justice Act (Northern Ireland) 2015, S30(9).* Available at www.legislation.gov.uk/nia/2015/9/section/30/enacted

3 *Directive 2012/29/EU of the European Parliament and of the Council, Article 2 (2012).* Available at eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029

4 *Witness services and special court measures.* NI government information available at www.nidirect.gov.uk/articles/witness-services-and-special-court-measures

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- giving evidence in private - members of the public and the press can be excluded from the court in some cases;
- Judges and barristers removing their wigs and gowns in the Crown Court to make the proceedings seem less intimidating;
- a video recorded interview with you before the trial to be admitted by the court as your evidence - a live link or screen can be used when you are cross-examined by the defence; and
- a communicator or interpreter.

Vulnerability - the Police Service of Northern Ireland defines a vulnerable person as someone in need of special care, support or protection because of age, disability, or risk of abuse or neglect.⁵

5 *PEEL: Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland (2018)*, p23. HMICFRS report available at www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf

CHIEF INSPECTOR'S FOREWORD

Victim and witness care is vital to ensure people are confident that when they report a crime or are a witness to it they will be kept informed and supported at every stage. Each victim in the criminal justice system has their own personal journey and individual needs. Providing services that respect that is critical to ensure they stay committed, on the often long journey, to bringing offenders to justice.

Failing to do this well can impact on public confidence in the justice system, deter victims from reporting crime and allows offenders to keep on committing crimes and creating more victims.

The Victim Charter and Witness Charter are not glossy leaflets, posters on a wall or website pages. They should be statements of intent that result in action and an ethos of authentic care across quality services in our criminal justice system. Victims and witnesses need to know about and understand them, they should be assured about how they are going to be supported and informed.

In over a decade, while improvements have been made, they are still not sufficiently tailored to individual needs and consistently delivered to a quality standard across Northern Ireland. Sometimes there is too much focus on statistics and sensitivity about independence and not enough on victims' stories or lived experiences that can have a lifelong impact.

Achieving best evidence is critical and it is also critical that victims and witnesses needs are identified and their best evidence is preserved to support effective investigations, robust prosecutions and fair trials. The importance of identifying, providing and sustaining good support is all the more urgent in a system with the current levels of delay in reaching case outcomes.

Taking care of victims and witnesses does not mean compromising justice or independence. It does not mean raising expectations there will be a conviction in every case.

It does mean that the vital role and individual needs of victims and witnesses is at the centre of better services in every organisation. It does mean that the people engaging with victims and witnesses need to be skilled communicators, authentic and resilient with the time and capacity to actively listen.

It means that the Criminal Justice Board, Criminal Justice Delivery Group and every criminal justice organisation at all levels needs to own and believe in the

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Victim Charter and the Witness Charter and consistently demonstrate their intent in daily practice. Evidence of dedicated individuals who provided great support to victims and witnesses is highlighted in this report. Their efforts made all the difference to children and adults during a very difficult period in their lives.

This report makes a number of strategic recommendations to ensure victim and witness needs are paid better attention by senior leaders who, in their organisations and across the criminal justice system, influence the culture and behaviours, commit resources and make decisions about priorities and services they want their officers, prosecutors, officials and staff to deliver. It also makes a number of operational recommendations to improve training, practice and better partnership working with Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children that makes best use of their expertise.

Better victim and witness care has the potential to improve community confidence in the justice system.

It could lead to increased reported crime, ensure victims and witnesses give their evidence and stay engaged no matter how long it takes a case to come to a conclusion. It could help them understand why a prosecution was not taken or conviction secured and cope with the trauma they have experienced.

Hope is the possibility of change. I hope criminal justice system leaders take the opportunity to demonstrate their shared ambitions for better victim and witness care and do not let another decade pass without agreeing at least minimum standards in Northern Ireland. These report recommendations, if implemented, will contribute to the Victims and Witness Care Unit becoming the service it needs to be and will help deliver a better justice system for all.

My thanks to Stevie Wilson, Lead Inspector, Dr Roisin Devlin and all those who supported this review, particularly those victims and witnesses who shared their very personal journey and experiences.


Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

July 2020

EXECUTIVE SUMMARY

The full potential of the Victim and Witness Charters (the Charters) were still to be realised. Confidence and belief in the Charters needed to start in and radiate out from within the system if victims and the wider community were to put their trust in them. Refocused and renewed energy required bold steps in partnership working to deliver a new bespoke approach to the identification of victim needs. This was required to ensure that people received the help and support they were entitled to.

Fourteen years had passed since Criminal Justice Inspection Northern Ireland first inspected how the criminal justice system treated victims and witnesses. Charters intended to provide information, support and protection along with a dedicated victim and witness unit had been introduced. Those steps were intended to help victims and to ensure they were able to participate in criminal proceedings.

Feedback was often encouraging about treatment by individual Police Officers and staff across the criminal justice system who were said to have gone that extra mile to help. Overall there was a general sense of improvement and engagement by the criminal justice agencies but that more was still needed. For those working in the system, there was frustration about processes driving practice that got in the way of real and meaningful contact with people who needed their help.

The impact of crime was unique for every person. Some victims of serious crimes were emotionally strong and demonstrated a level of personal resilience and determination that was simply

incredible. Conversely, others subjected to crimes labelled 'less serious' had been left completely devastated. Regardless of the 'seriousness' of the crime committed, the impact on each individual determined what help they needed from the system.

Addressing individual needs was often straightforward. Navigating the system was still complex from the victims' perspective. This caused confusion about what happened next, the people and functions of those they had met or talked to and who or where to go for help and support. Issues relating to actual engagement were entwined, when it occurred, how it was done and the skills of those involved.

Other needs were much more complex for those more vulnerable and in need of special care and support or protection because of age, disability, or risk of abuse and neglect. In addition to sharing needs with all other victims, the system was challenged in providing a service responsive to their needs, for example, a need for emotional support, being able to communicate effectively, being able to understand or gaining access to buildings.

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People wanted to talk to those who were well-informed about the crime committed against them and who demonstrated a professional sense of caring and knowledge of the help and support that they might need. They were much less concerned about who or what organisation provided them.

The need for a specific focus on those who were more vulnerable was recognised within the system and the police had made improvements in how they dealt with and treated vulnerable victims. This was important but needed to be part of an overall approach that fully recognised and provided help and support to every victim of crime.

Some victims did not know what help they could get from the criminal justice system and asked why they had not been given more help. No one victim or witness spoken to by Inspectors knew about or had ever heard of the Charters. They did not know where or how to find them and therefore had not fully benefited from the information they contained. The Charters were simply an unknown quantity in that regard.

There was a strong sense of apathy and disconnection by many organisations providing support to victims when asked about the ongoing influence and contribution of the Charters. Knowledge of the Charters by Police Officers delivering front-line services and staff providing key support focused almost exclusively on responses relating to processes that they needed to comply with and not about the people themselves.

There was a need for whole system shared ownership and proactivity to bring focus on the importance and significance of the Charters. A cohesive strategic system wide approach that promoted, signposted and delivered against the Charters needed to emanate from the agencies and partners across Northern Ireland. In the absence of that, people across the community were unlikely to have confidence and belief in them.

Police Officers and support staff on the front-line were key to identifying needs but they were only one part of the overall solution. The well-established Victim and Witness Care Unit now provided a firm base for future development of needs assessment. The Unit was an integral part of the strategy and provided services to victims and witnesses. Sustainability of the Victim and Witness Care Unit was increasingly important and this needed further consideration as part of existing services and any future development.

The Victim and Witness Care Unit now provided NI with a unique and exciting opportunity to introduce a new and radical partnership approach to identifying the needs of victims and witnesses. This would require increased input by partners such as Victim Support Northern Ireland. Such a joined up service was central to making a real difference to victims and witnesses and deliver better outcomes that satisfied the needs of both victims and witnesses and the system itself.

RECOMMENDATIONS

STRATEGIC RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

The Department of Justice should implement a strategic communications solution within one year of the publication of this report to substantially raise the profile of the Charters and promote ease of access for all users in the community. Future development of the victim and witness strategy should also be co-aligned with communication strategy.

(paragraph 2.45)

STRATEGIC RECOMMENDATION 2

The Police Service of Northern Ireland should review how the current strategic prioritisation of vulnerability aligns with the delivery of outcomes impacting on all victims within three months of publication of this report.

(paragraph 2.62)

STRATEGIC RECOMMENDATION 3

The Department of Justice should review the role of the Victim and Witness Steering Group within three months of the publication of this report:

- The Terms of Reference should include the Senior Executive recommendations arising from this report; and
- Membership, as stated in Criminal Justice Inspection Northern Ireland's 2011 strategic recommendation, remains in place and is consistently evidenced, i.e. criminal justice agency membership should be at Senior Executive level. Members should also be appointed as their organisation's 'Victims Champion' responsible for and directly reporting to the head of their respective agency on matters identified in the 2011 strategic recommendation.

(paragraph 2.87)

STRATEGIC RECOMMENDATION 4

The Public Prosecution Service for Northern Ireland in partnership with the Police Service of Northern Ireland should establish a Victim and Witness Care Unit working group to examine a future Victim and Witness Care Unit service model, with a focus on enhanced provision of care for victims and witnesses in Northern Ireland within three months of report publication. A next steps options paper with recommendations should be prepared and submitted to the Criminal Justice Board within nine months of report publication. The paper should include options for:

- future human resource structures and models; and
- the development of the current Victim Support Northern Ireland provider role to include a Victim and Witness Needs Assessment Service adjoined to and supporting existing Victim and Witness Care Unit services.

(paragraph 5.43)

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

The Public Prosecution Service for Northern Ireland should introduce enhanced induction and continuous training for staff attached to the Victims and Witness Care Unit within six months of the publication of this report.

(paragraph 3.33)

OPERATIONAL RECOMMENDATION 2

The Police Service of Northern Ireland in partnership with Victim Support Northern Ireland should review practices for the provision of victim information by police first responders to victims within six months of the publication of this report.

(paragraph 3.65)

OPERATIONAL RECOMMENDATION 3

The Police Service of Northern Ireland should review Victim Support Northern Ireland input to Student Officer and District Training within three months of the publication of this report.

(paragraph 3.75)

OPERATIONAL RECOMMENDATION 4

The Police Service of Northern Ireland should review use of current risk and needs assessment tools that have evolved in response to vulnerability. The review should explore operationally effective technical solutions based on the concept of single data input within six months of the publication of this report.

(paragraph 3.90)

OPERATIONAL RECOMMENDATION 5

The Police Service of Northern Ireland should review the current approach to providing investigation updates to victims within three months of the publication of this report.

(paragraph 3.107)

OPERATIONAL RECOMMENDATION 6

The Public Prosecution Service for Northern Ireland and the Police Service of Northern Ireland should review policy and practice for Single Point of Contact arrangements in line with the provisions set out under Articles 3, 4 and 6 of the European Union Directive to ensure best practice meets the needs of bereaved victims and family members as defined under Article 2 of the European Union Directive within three months of the publication of this report.

(paragraph 3.120)

OPERATIONAL RECOMMENDATION 7

The Police Service of Northern Ireland should centralise command and management of Family Liaison Officers within three months of the publication of this report.

(paragraph 3.129)

OPERATIONAL RECOMMENDATION 8

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should review the stage one Initial Needs Assessment letter sent to victims and witnesses within three months of the publication of this report.

(paragraph 4.87)

OPERATIONAL RECOMMENDATION 9

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should review stage one of the overall three stage needs assessment process within three months of the publication of this report.

(paragraph 4.90)

OPERATIONAL RECOMMENDATION 10

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should formalise and implement a partnership service provision protocol within three months of the publication of this report.

(paragraph 5.25)

OPERATIONAL RECOMMENDATION 11

The Northern Ireland Courts and Tribunals Service should implement arrangements to formalise input from the National Society for the Prevention of Cruelty to Children and Victim Support Northern Ireland service providers on assessment of needs impacting on the 'Courts 2020' Transformation Programme within three months of the publication of this report.

(paragraph 6.19)

OPERATIONAL RECOMMENDATION 12

The Probation Board for Northern Ireland working in partnership with the Department of Justice and the Northern Ireland Prison Service and in consultation with Victim Support Northern Ireland, should seek agreement and manage the effective delivery of promotional plans by the Victim Information Unit and increase enrolment across all schemes within six months of the publication of this report.

(paragraph 6.55)



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