

CJS discuss the challenge of devolution

The challenge of facing devolution for the criminal justice system was the topic of discussion at this year's Criminal Justice System Northern Ireland conference in Belfast.

The one-day event in June was opened by the then Criminal Justice Minister for Northern Ireland, Ms Maria Eagle MP.

Speaking to delegates attending the event, Ms Eagle said the challenges of facing devolution were daunting, but that she hoped the conference would help to begin dialogue around criminal justice issues.

She praised the success criminal justice agencies locally had had in tackling crime which in turn had led to confidence in the system growing.

"It is a tribute to all the stakeholders that the current system has done so well," Ms Eagle said, adding that she looked forward to having in place a system that could meet the challenges of the 21st Century.

The former Attorney General Lord Goldsmith used the event to join the Criminal Justice Minister in announcing plans to introduce new standards aimed at tackling delay by reducing the average time it takes for criminal cases to be brought before the courts.

"Delay leaves victims despairing. The longer the delay, the less likely it is for the population to feel confidence," he told delegates.

The action on delay follows on from the work of the Delay Action Group established by Government in



The Chief Inspector of Criminal Justice gives his presentation to delegates attending the CJSNI Conference.

response to the findings of CJI's 2006 thematic review of Avoidable Delay in the Criminal Justice System.

PSNI Chief Constable Sir Hugh Orde also addressed the delegates before DUP Justice spokesman Ian Paisley Jnr and Sinn Fein's Justice spokesman and Policing Board representative Alex Maskey individually outlined their party's vision for the future and the possibility of devolving policing and justice powers to the Northern Ireland Executive by May 2008.

They were followed by SDLP Justice spokesman Alban McGuinness, Ulster Unionist party representative Rodney McCune, Stephen Farry, Justice spokesman for the Alliance Party and PUP party leader Dawn Purvis, who each gave their party's views on the devolution of policing and justice powers and the challenges to be faced in the future.

CJI's Kit Chivers concentrated on the issues of governance and accountability, resources and competing demands and the need to



The former Attorney General Lord Goldsmith (centre) pictured with PSNI Chief Constable Sir Hugh Orde and the former Criminal Justice Minister, Maria Eagle MP at the 2007 Criminal Justice System Conference *Facing Devolution*.

change the culture of the criminal justice system when he addressed stakeholders attending the event.

After a final presentation by Olwen Lyner from NIACRO, delegates split into groups for afternoon workshops.

Paul Mageean from CJI facilitated a debate in equity in the criminal justice system. Other groups looked at the issue of streamlining processes and avoiding delay; alternatives to prosecution, and the issue of domestic violence. ■

Inspectorate reports on the Northern Ireland Prisoner Resettlement Strategy

CJI recently completed its inspection of the Northern Ireland Prisoner Resettlement Strategy.

The strategy – which is jointly led by the Prison Service and the Probation Service – aims to assist prisoners in dealing with matters such as accommodation, training, employment and benefits so that they are less likely to re-offend after release from custody.

The strategy has been operational for three years and the inspection reported directly against the targets that the agencies set for themselves.

“We found that there has been good progress in several areas, including establishment of dedicated resettlement personnel within the prisons particularly at Magilligan, and some creative initiatives to support prisoners’ families. We also found there was a positive commitment at a strategic level by

the lead agencies to the strategy and that most agencies were working well together,” said Lead Inspector Tom McGonigle.

“During the course of the inspection, CJI looked at how the work ongoing in Northern Ireland compared with similar work being undertaken in other areas.

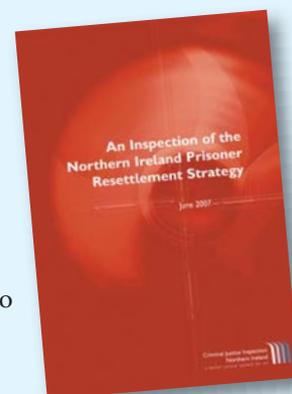
“Inspectors found Northern Ireland’s resettlement work compared favourably with the Republic of Ireland. The model in place here is similar to that of England, Wales and Scotland where similar difficulties also arise,” continued Mr McGonigle.

As reported in previous inspections, the undue emphasis on security within Northern Ireland’s prisons hampered progress on resettlement and as a result CJI suggested this was an area which should be improved upon in the future.

It has also been recommended that adult remandees and may short term sentenced prisoners need to begin receiving resettlement support.

Other agencies such as the Housing Executive, Department of Education and Learning, the Social Security Agency and voluntary organisations that have also signed up should be encouraged to develop their contribution in the next phase of the strategy.

The Inspection report was published on 28 June. It included 19 recommendations, which CJI expects should provide a useful basis for future development before re-inspection in three years time. ■



Inspector contributes to text in memory of Queen’s Professor

An essay on Article Two of the European Convention on Human Rights co-authored by CJI’s Paul Mageean and Dr. Gordon Anthony from Queen’s University, Belfast, has been included in a new book entitled *Judges, Transition and Human Rights* (OUP, 2007).



Professor Stephen Livingstone

The book which was published in April is a collection of essays in memory of Prof. Stephen Livingstone, a former Professor of

Law at QUB who died in 2004. It was edited by Professors John Morison, Kieran McEvoy and Dr. Gordon Anthony from the Faculty of Law at Queen’s University, Belfast,

“I was asked to contribute an essay on this subject because I had taken a number of cases to the European Court of Human Rights under Article Two during my time with the Committee on the Administration of Justice,” explained Paul.

“I was honoured to be asked to participate in this project as Stephen

was one of the Professors in the Law Faculty who taught me while I was studying at Queen’s and he became a close colleague in later life.

“The European Convention and the Court of Human Rights was an area which he was particularly interested in – something which has been reflected in a number of the essays included in the book,” added Paul.

It is hoped that parts of the text may be used by students in the future as a basis for discussion and debate. ■

Common Purpose tackles sex offender reintegration during Crime Challenge Day

Criminal Justice Inspection took the lead when Kit Chivers set the topic for discussion for the Common Purpose Crime Challenge Day at Maghaberry Prison in May.

Participants were asked to look at the issue of how sex offenders should be reintegrated into society, following presentations by CJI's Chief Inspector and William McAuley, Strategy and Policy Co-ordinator for NISOSMC, the Northern Ireland Sex Offenders Strategic Management Committee.

"We wanted to get the people taking part in the Crime Challenge Day to look at a difficult issue which is live in the community," said Mr Chivers.

"We wanted to encourage the group to examine the reasons why local communities were reluctant to see sex offenders reintegrated into society, and look at how sex offenders are currently managed within the community, while coming up with suggestions about the best way to do this for the community and the offender," he added.

During his presentation the Chief Inspector of Criminal Justice said: "While sexual offences represented only 1.5% of the total number of offences recorded in 2006, they are very serious in their effect. There is a low clearance rate for sexual offences and many offences are never reported.

"The rate of re-offending among sex offenders is low compared to other crimes especially as much offending takes place within families and once the offender is identified, they are denied the opportunity to re-offend.



Crime Challenge Day panel members pictured from left Andrew Rooke, PBNI, William McAuley, NISOSMC and Kit Chivers, CJI.

"Yet there are other offenders who remain persistent and dangerous. Many of these people will be subject to indeterminate sentences, but almost all will be released sooner or later.

"It is at this point you need to look at issues such as accommodation as there is great pressure on hostels. You must also look at employment as many offenders have great difficulty in securing jobs, and at the issue of public relations."

As part of the event, participants in the Crime Challenge Day had an opportunity to hear from Dr Jackie Bates-Gaston, Chief Psychologist with the Prison Service about the educational programmes and courses available to sex offenders to help address their behaviour. They also undertook a tour of Maghaberry Prison.

During the afternoon, participants split into teams to investigate the issue further by meeting with a range of stakeholders and decision makers involved in this area of work.

The teams met up later at the Linen Hall Library to discuss their



Participants who took part in the Crime Challenge Day supported by CJI.

findings, the problems they encountered and to generate ideas on how sex offenders could be better integrated into the community.

The Common Purpose Crime Challenge Day concluded with a panel discussion involving Kit Chivers, William McAuley and Andrew Rooke, Assistant Director from the Probation Board for Northern Ireland.

Speaking after the event, Mr Chivers said: "The panel were impressed by the group members' understanding of the complex issues presented in this challenge and the practical, thoughtful suggestions they made to providing actual ways to move forward.

"They tackled this difficult and sensitive topic extremely well." ■

CBRJ concerns addressed through CJI inspection

Criminal Justice Inspection published its first report on community based restorative justice (CBRJ) schemes supervised by Northern Ireland Alternatives in May.

The inspection – undertaken at the request of the former Northern Ireland Minister for Criminal Justice, David Hanson, MP – was designed to independently assess if the schemes would be capable of securing accreditation under the Government’s Protocol for Community Based Restorative Justice.

CJI’s report recommended the four schemes sponsored by Northern Ireland Alternatives (NIA) should be accredited providing they agreed to operate in line with the criteria specified in the Protocol.

“From the start, CJI was conscious of the concerns held by many people that CBRJ schemes were a front for paramilitary organisations and that clients who participate in the schemes were coerced into doing so,” said Kit Chivers, Chief Inspector of Criminal Justice.

“We were keen to address these fears during our inspection and show if the schemes operating in loyalist areas were suitable for accreditation under the Government Protocol or not.”

He continued: “We found that these concerns were unfounded. CJI did not find evidence in relation to NIA or its schemes of paramilitary involvement and there was no paramilitary ethos of violence about them.



Former Criminal Justice Minister David Hanson MP accepts a copy of CJI’s report on Northern Ireland Alternatives from Kit Chivers.

“It did not uncover any evidence that participation in CBRJ schemes supervised by NIA infringed on the rights of the client by denying him or her due process, or exposed them to double jeopardy,” said Mr Chivers.

CJI Inspectors found that the schemes worked to a high standard with difficult young people in their communities. They also found staff and volunteers were well trained, appropriate child protection policies were in place and good records were kept.

“Inspectors discovered that the majority of work undertaken by the Northern Ireland Alternatives family of schemes was not in the nature of criminal justice at all, but was community development work, community safety, victim support and the diversion of young people away from the criminal justice system,” he said.

The Chief Inspector also indicated

that most referrals to the schemes came from community activists, church leaders and statutory agencies.

While Mr Chivers said he hoped CJI’s report had addressed many concerns surrounding community restorative justice schemes, he stressed it would be for an independent panel set up by Government to examine the suitability of the personnel involved in running them.

Since the publication of the report, CJI has been asked by Government to undertake a similar inspection of schemes operating in a number of republican areas under the aegis of Community Restorative Justice Ireland.

“We have already commenced our inspection work in relation to these schemes and will report our findings to the Minister for Criminal Justice in due course,” concluded Mr Chivers. ■

Compensation Agency committed to implementing outstanding recommendations

Criminal Justice Inspection Northern Ireland (CJI) has carried out a follow-up review of progress made by the Compensation Agency to implement recommendations contained in its initial inspection report.

The review, which was published on 14 June, examined the progress made by the agency since January 2006.

“Inspectors from CJI found that five of the 10 recommendations contained the initial inspection report published in January 2006 had been achieved, and the Compensation Agency was fully committed to implementing the outstanding recommendations,” said Brendan McGuigan, Deputy Chief Inspector of Criminal Justice in

Northern Ireland.

“The Compensation Agency has already developed more accessible management information reports and more formal communication processes with its major stakeholders,” he said.

Unfortunately, despite the Compensation Agency investing a great deal of time and funding the organisation has not as yet been able to facilitate the electronic transfer of completed claim application forms due to IT security issues – a problem which creates a real frustration for Victim Support Northern Ireland.

Inspectors were disappointed to find that strong strategic links with the PSNI have still not been established even though delays in obtaining police reports have a direct impact on much of the work of the

Agency.

“The importance of this recommendation alone and the need for the organisation to develop strategic relationships with the PSNI has been fully accepted by its new Chief Executive, Gareth Johnston, and steps are being taken to rectify this situation,” stated Mr. McGuigan.

“The follow up review however has confirmed the Compensation Agency continues to deliver a valuable and necessary service to victims of violent crime. I am confident the Agency will continue to deliver an essential service to a very high standard and every effort will be made to implement any outstanding recommendations which have not yet been achieved,” he concluded. ■

Survey shows over 50% people believe CJI inspection is fair

An omnibus survey carried out on behalf of Criminal Justice Inspection has shown that 51% of people who are aware of the organisation believe it was in a position to carry out fair inspection of agencies within the criminal justice system.

While this figure represents a slight increase compared to 2006, the number of people who indicated they did not believe CJI would be fair has remained the same.

The survey by Ipsos MORI which took place in January, also showed that confidence in CJI’s ability to conduct fair inspections among those who were aware of the organisation was similar among Protestants (52%) and Roman Catholics (47%).

“This cross-community endorsement of the fairness of the organisation is to be welcomed” said Brendan McGuigan, Deputy Chief Inspector of Criminal Justice Inspection, “as our primary aim has been and continues to be working towards ensuring a better justice system for all.”

The Deputy Chief Inspector said he was pleased to learn that young people were as aware of CJI as older age groups.

“The survey showed 24% of people in the 15-24 year old age group had heard of CJI, which is very encouraging. We were also pleased to learn that 22% of people in the 25-34 and 35-44 year old categories knew of the organisation,” added Mr McGuigan.

The Deputy Chief Inspector



stressed CJI would use the results of the independent survey as learning points for the incoming year.

“This independent survey has shown CJI has more work to do both in terms of education surrounding our role within the criminal justice system and in terms of strengthening public confidence in our ability to act independently of Government.

“We welcome all opportunities to engage and consult with the community as well as contributions from the public towards our inspection topics,” he concluded. ■

Minister casts an ‘Eagle’ eye over CJI

The former Criminal Justice Minister for Northern Ireland, Maria Eagle MP, met the Chief Inspector of Criminal Justice, the Deputy Chief Inspector and members of the Inspection team, during a visit to CJI’s headquarters on Tuesday 12 June.

During a hour-long meeting, Ms Eagle discussed the inspection work CJI had already completed and was briefed on work on-going at the time of her visit.

“Brendan and I were delighted to welcome Ms Eagle to CJI’s offices and to offer her the opportunity to talk about the findings of our reports with the Inspectors involved in writing them,” said CJI’s Chief Inspector Kit Chivers.

“The meeting was very cordial and she seemed keen to develop a greater understanding of our working practices.”

He continued: “Ms Eagle also wanted to find out about the working relationships CJI had with other Inspectorates and how we crafted our final report when we had worked in partnership with other organisations that used a different methodology to carry out



Former Criminal Justice Minister Maria Eagle MP looks through a selection of CJI reports with Kit Chivers and Brendan McGuigan.

inspection work.

“In her role as Criminal Justice Minister, Ms Eagle was also very keen to find out how we prioritised our work and formulated our Inspection Programme every year,” he said.

The former Criminal Justice Minister heard that decisions were based on CJI’s desire to look at topics and issues that would bring about improvement in the criminal justice system, would increase efficiency, improve confidence in the system and were of interest to

the public.

During the meeting Ms Eagle heard from James Corrigan about the preliminary findings of CJI’s inspection of the work on the Department of the Environment and about how complaints were handled by different criminal justice organisations from Bill Priestley.

CJI’s Deputy Chief Inspector Brendan McGuigan discussed the on-going inspection of the Public Prosecution Service (PPS) and how another inspection involving the organisation on disclosure was planned for later in the financial year.

He went on to highlight the value of CJI’s inspection review process in assessing the level of progress made by an agency a short time after the initial inspection was completed and recommendations made.

“We took the opportunity to ensure Ms Eagle was aware of CJI’s willingness to undertake specific pieces of work at Ministerial request – such as the Serious Case Review of the murder of Attracta Harron – and of our ability to turn work of this type around promptly,” Mr Chivers concluded. ■



Criminal Justice Minister, Maria Eagle MP pictured with members of the CJI team during her visit to CJI’s offices in June.

NIAC holds hearing on Northern Ireland prisons

Members of the Northern Ireland Affairs Committee (NIAC) heard of the urgent need for investment in the prison estate when they were addressed by Kit Chivers and Anne Owers, HM Chief Inspector of Prisons in London on 9 May.

The Chief Inspectors said that rising prisoner numbers in Northern Ireland had further increased the need for investment.

“Committee members were informed there was a danger that the Prison Service, because of its financial constraints, was continually improvising temporary solutions rather than facing up to major investment decisions,” said Mr Chivers.

“The NIAC also heard that decisions about the future of Magilligan, where the H-block and dormitory accommodation is profoundly unsatisfactory, needed to be taken urgently,” he said.

During the meeting, the two Chief Inspectors highlighted the need for appropriate accommodation to be provided for women prisoners.

They said that while the Prison Service had done much work to improve things for women prisoners at Hydebank Wood, it must not be allowed to lose sight of the need for a long term solution to be achieved and a separate facility for female prisoners established.

The NIAC also heard of the continuing need to change the culture of the Prison Service and move its priorities away from security towards the preparation of prisoners for resettlement into the community.

“The Prison Service needs to focus on providing prisoners with the best chance of obtaining employment on their release which is the best safeguard against future re-offending,” said Mr Chivers.

The Committee has been provided with a copy of CJI’s thematic report on the NI Resettlement Strategy following its publication. ■

CJI shares hate crime report findings at Rol seminar

Criminal Justice Inspection was invited to participate in a seminar on the effectiveness of legislation dealing with racially motivated crime in the Republic of Ireland following the publication of its report on hate crime.

The event held in Dublin on 21 March, formed part of the Department of Justice, Equality and Law Reform’s National Action Plan Against Racism.

“I was delighted to travel to Dublin and share the findings of our inspection report on hate crime in Northern Ireland with representatives of the criminal justice system in the Republic,” said CJI’s Deputy Chief Inspector, Brendan McGuigan.

“The seminar offered a great opportunity for our colleagues in the Republic of Ireland to hear how their counterparts in

Northern Ireland were tackling this issue and the challenges hate crime was presenting for our criminal justice agencies,” he said.

“The authorities in the Republic of Ireland felt it was timely to review their existing legislation including the Prohibition of Incitement to Hatred, in light of the increasing number of criminal acts which have been committed with a racial motive. They also wanted to take into account the fear such acts generate in the individual victim and the ethnic communities to which they and others belong,” said Mr McGuigan, explaining the reason for the seminar.

During the event, delegates also heard the interim findings of a research study on issues related to criminal law and racism from Prof. Diarmuid Walsh and Jennifer Schweppe of the Law Department of the University of Limerick.

The study examined whether



Brendan McGuigan (front second right) pictured with Garda Commissioner Noel Conroy (front centre) and other delegates who attended the seminar.

existing Irish criminal law was sufficient to deal with racially motivated crime in Ireland and whether it can, and needs to be strengthened, by the addition of the concept of ‘hate crimes’ and sentencing provisions similar to those currently available in other jurisdictions.

The seminar was also attended by the Garda Commissioner Noel Conroy. ■

Dungavel Immigration Removal Centre, Scotland

Tom McGonigle spent three days with the Prisons Inspectorate in December 2006 on the inspection of Dungavel Immigration Removal Centre (IRC) in Scotland.

Dungavel is the facility to which most immigration detainees from Northern Ireland are taken. It is a small institution, and although secure, is more relaxed than the prison environment where detainees were formerly held in Northern Ireland.

The population of Dungavel at the time of the visit in December '06 was around 170.

This included a small number of women and children, and priority was given to ensuring that children remained for as short a time as possible.

As was the case on previous inspections in 2002 and 2004, detainees reported that their main problems were with the immigration removal system, rather than with the conditions of their detention at

Dungavel. In particular, the practice of moving detainees between IRCs in England and Scotland caused problems as lawyers instructed in one jurisdiction could not represent detainees in the other.

A noticeable feature of this inspection was that 20% of detainees had been taken to an IRC immediately after completing a prison sentence. This was an increase on previous inspections, and reflected current Home Office policy to deport foreign offenders after completion of prison sentences.

At the time of inspection, the Dungavel population included some people who were being sent back to countries that they had left many years earlier, but where they now had no affiliation with either a family or a community.

The Prisons Inspectorate report on Dungavel was published in May. Further information on the report and its findings can be obtained from the HMCIP website. ■

Independent Monitors Conference

Northern Ireland's Chief Inspector of Criminal Justice was invited to address this year's Independent Prison Monitors Conference held in the Slieve Donard Hotel, Newcastle on Friday 27 April.

The conference was attended by the Boards of Monitors for all three prisons in Northern Ireland and a number of distinguished guests.

During his address Kit Chivers praised the work of the monitors, the efforts of Prison Service management and emphasised the complex nature of running a prison. ■

EU Mission learns of changes to NI justice system

The Deputy Chief Inspector of Criminal Justice Inspection recently travelled to Brussels to address members of EUJUST LEX – the European Union Integrated Rule of Law Mission to Iraq – on the changes taking place in the Northern Ireland justice system.

Brendan McGuigan was invited to speak to the team by Stephen White, a former PSNI and RUC Assistant Chief Constable who is leading the European Union mission.

"I was invited to give a presentation to the members of

EUJUST LEX because they were keen to hear about the work that has been ongoing in Northern Ireland especially in relation to the Criminal Justice Review and the Criminal Justice Implementation Plan," said Mr McGuigan.

"The members of the EU Mission firmly believe a strategic plan needs to be developed for the Iraqi criminal justice system, therefore, they were eager to see what could be learnt from the changes that have been made in Northern Ireland to transform the system," he continued.

EUJUST LEX was established in

2005 to address the urgent needs of the Iraqi criminal justice system, as well as to strengthen the rule of law and promote a culture of respect for human rights in Iraq.

The 20-strong team, which is made up of judges, police officers and prison governors from member states throughout the EU, is currently engaged in designing and co-ordinating the delivery of integrated training for their Iraqi counterparts.

Around 900 Iraqi's have participated in the mission's different programmes to date. ■