



Progress made – more to come

In my time as Chief Inspector at Criminal Justice Inspection, the criminal justice system has undergone a period of significant change. Devolution and the changes that has brought to the system have been significant, but no less significant is the contribution that I believe CJI has made.

The small team we have here certainly punches well above their weight, impacting on policy, change and reform right across the spectrum of the criminal justice system.

Working tirelessly to provide independent, impartial and evidence-based assessments, I believe we have made a real difference to how services are delivered by organisations in the justice arena.

Our influence has been felt right across the reform agenda, with real progress made in a number of areas not least in the contribution our outcome-based approach has made to changing the perspective on Northern Ireland's prisons.

Ensuring the effective treatment of victims and witnesses and seeing how real change has been brought about in how they are treated through the introduction of witness care units and victims champions shows the very real impact our work has on the lives of those who are unfortunate enough to be victims and witnesses of crimes.



Our role has changed significantly, with CJI becoming more heavily involved in ensuring the effective implementation of our recommendations. This is most clearly seen in our work surrounding avoidable delay, prison oversight and in our follow-up work in general.

It's clear to all that CJI is not afraid to deal with the difficult issues.

This is a body that tackles relevant issues and places itself at the centre of debate and analysis providing independent assurance on the working of the justice system.

By dealing with issues such as the inspection in Donagh Sex Abuse

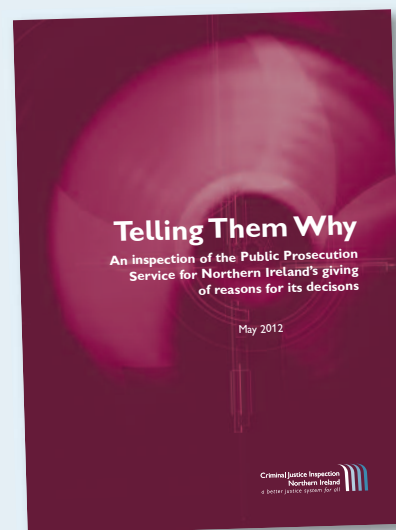
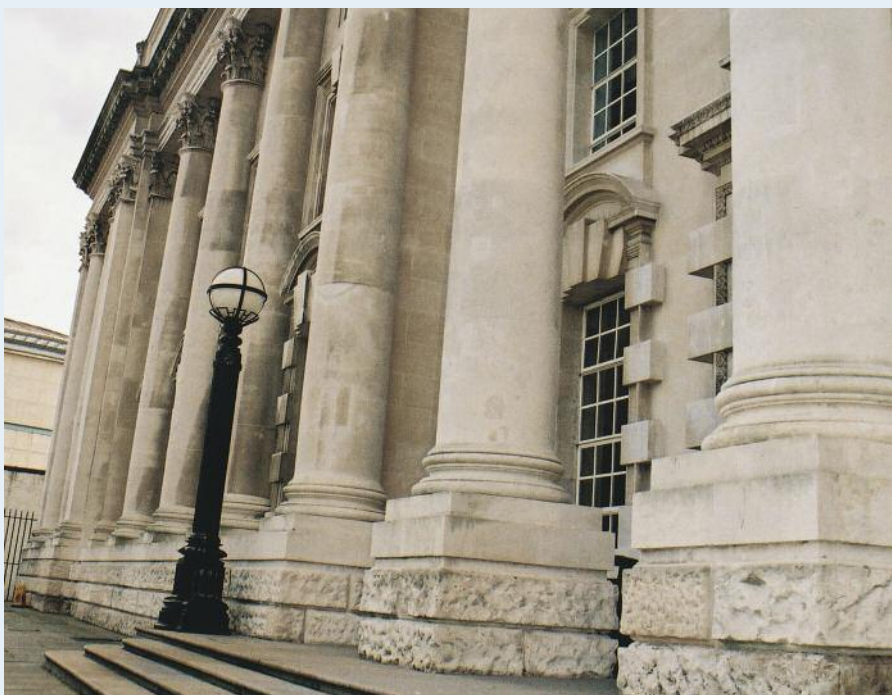
Cases, the reasons for mistaken prisoner release, the independence of the Police Ombudsman or indeed the professional and robust management of sex offenders in NI we ensure that the issues that matter and are relevant are addressed.

Now, that's not to say it has been all bad news. When an organisation is working well we will highlight this to the public – assuring them on what works well within the criminal justice system.

All our work shows the benefits of closing the accountability gap that devolution has provided. Having a local Minister of Justice and working closely with the Justice Committee as well as other accountability organisations such as the Policing Board, Audit Office, other inspection organisations and the Prisoner Ombudsman has strengthened our role and I know that the organisation will continue to work hard to pursue change and reform in the criminal justice system in the years ahead.

The team here, as I have already said, punch well above their weight and I have no doubt that in the years ahead CJI will continue to play an integral part in the development of a criminal justice system that is fit-for-purpose in the changing landscape of Northern Ireland. ■

Telling Them Why – Public Prosecution Service must do more



In May 2012, CJI published its inspection of the Public Prosecution Service giving reasons for its decisions. The report entitled ‘Telling Them Why’ found that the Public Prosecution Service (PPS) must make further progress towards more full and open engagement with all victims, insofar as might be possible within the limitations of the law.

The report praised the PPS for taking important steps forward in the development of its policies and procedures regarding the giving of reasons to victims on prosecution decisions and found many examples of good practice.

Deputy Chief Inspector, Criminal Justice Inspection Northern Ireland, Brendan McGuigan said however that, “The inspection did find that operational practice could be improved and was not consistent across the organisation.”

The purpose of the inspection was to consider whether there were effective, appropriate guidelines and mechanisms in place surrounding the policy and practice of the Public Prosecution Service on the giving of reasons.

“Many people who enter into the justice system as victims do so for the

first time. As such they often will have very little knowledge of how the system works,” said Mr. McGuigan.

“It is important therefore that the criminal justice agencies provide as much information as is reasonable to ensure that victims can understand what is happening in order to help them cope with what can be a traumatic and life changing experience. This is especially important in cases where charges are altered or withdrawn”

Under the current PPS policy the offer to meet with victims/families concerning their cases and the decisions made, are a matter for discretion in individual cases. Inspectors found there was a paucity of such offers and the report recommends that offers to meet are regularly included in a range of more serious cases.

Inspectors also found that there was no automatic communication (in PPS correspondence) of the entitlement to ask for either more detailed reasons or of a formal review of the decision, albeit a leaflet on the role of the PPS was enclosed outlining the ability to ask for a review of a decision.

“In addition, Inspectors found that current practice does not address the previous recommendations made by CJI in July 2007 that, save in exceptional circumstances, substantive reasons should be given to all victims.

“We now repeat the recommendation that more detailed reasons are provided in all cases, where possible. There must also be a move to a greater level of openness, transparency, understanding and engagement in order to further augment trust and confidence.

“Inspectors recognise that the measures recommended will require an investment of resources on the part of the PPS. However, this must nonetheless be regarded as a vital element of building further trust and confidence for the future.” ■



Witness Charter needed in Northern Ireland

At the request of the Department of Justice, CJI undertook a formal inspection into the use of special measures and its effectiveness in achieving best outcomes for witnesses.

The report found that 'special measures', which were introduced to help vulnerable and intimidated witnesses give their best evidence, increase its quality (with as little stress for the witness as possible), and to ensure that their voices were heard in court, were of vital importance.

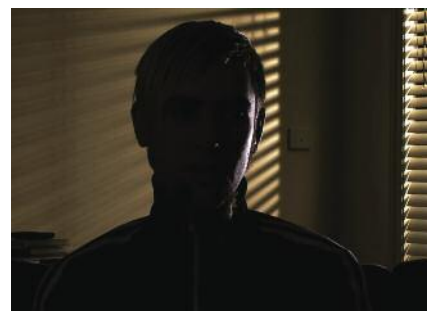
Deputy Chief Inspector, Criminal Justice Inspection Northern Ireland, Brendan McGuigan said, "Inspectors heard positive feedback from victims and witnesses about the assistance they received and the impact it had on preparing them for giving evidence in court. Such assistance was found to be invaluable.

"The inspection found many of the issues surrounding special measures had already been identified by the Departmental working group and work-streams had been commenced to address these. Consequently, the

findings and recommendations of Inspectors broadly underpin, support and reinforce that good work."

However, it was noted in the inspection that there were difficulties with the identification of Vulnerable and Intimidated Witnesses. This can result from a number of factors. Because of this it is very likely that significant proportions of Vulnerable and Intimidated Witnesses are currently being excluded from the use of special measures.

"The consequences of the failure to identify the witness as being vulnerable or intimidated can be potentially stark. The criminal justice system needs to re-double its efforts to ensure a proper identification of Vulnerable and Intimidate Witness from the outset," continued Mr McGuigan. "All of this needs to be underpinned by training and awareness raising efforts."



In addition to proper identification of vulnerability the inspection also categorised two other key areas requiring priority attention by the criminal justice agencies as individual needs assessments and improved communication.

"A key recommendation, the Witness Charter, will provide clear, coherent and transparent information for witnesses on what to expect from the criminal justice system; codifying the commitments of the criminal justice system to witnesses; and providing a readily accessible document which will assist both witnesses and criminal justice system professionals." ■

Chief Inspector addresses agendaNI's Justice Conference 2012

agendaNI's annual justice conference on 19th April, brought together the key players across the sector to focus on the most important aspects of justice policy and delivery. It provided a unique opportunity for all those operating within the sector, and those interacting with it, to come together for networking and discussion.

Dr Michael Maguire was a member of the high profile panel of local and visiting speakers who examined a wide range of issues facing the sector.

Dr Maguire discussed how to deal with the problem of delay in the justice system an issue which involves all the major justice organisations and impacts widely on many aspects of the justice system.

"Despite the major efforts and initiatives," said Dr Maguire, "there has been little improvement to date. Reducing avoidable delay is an important priority for the CJS as it impacts directly on individuals and their confidence in the system. By reducing delay we will reduce the cost of "justice" and make the processes more efficient and effective.

"This will not happen organically – flowing against the tide of individual organisational priorities makes it more difficult, but reducing avoidable delay will be – in my view – an important litmus test for the success of devolution." ■



Estate Strategy vital for Northern Ireland Courts and Tribunals Service



In May 2012, CJJ published its inspection report of the adequacy of the current courts estate in meeting the requirements of court business and to consider the Northern Ireland Courts and Tribunals Service (NICTS) approach to managing its estate in addressing the future delivery of court business within a changing environment.

The report found that the Northern Ireland Courts and Tribunals Service (NICTS) must address the issue of an Estate Strategy, as it is unlikely there will be the capital funding available to deliver on proposed changes to the current courts' estate.

Deputy Chief Inspector, Criminal Justice Inspection Northern Ireland, Brendan McGuigan said; "There are many challenges to providing high quality courthouses that are accessible and meet the needs of users now and in the future but what is plain is that a pragmatic solution and a realistic way forward must be sought."

The analysis of the current courts estate shows considerable variations in the quality of the facilities available. Using the NICTS own assessment criteria of the 21 court facilities in operation in Northern Ireland, five are assessed as 'high quality', eight

assessed as 'medium quality' and eight assessed as 'poor quality'. There are also significant variations around the utilisation of court venues and the cost of court business. All of this information points to the need for an estate strategy which considers the overall nature of court provision and the different options that might be suitable going forward.

The report acknowledged that the Courts Service recognised the requirement for an Estate Strategy and commissioned a consultancy report completed in 2009, to review the current estate and identify a range of options for consideration.

"It is unlikely that there will be £75 million forthcoming from the DoJ's budget, for the preferred option of the development of three 'super courts' and six 'satellite' venues as recommended in the consultancy report."

The NICTS are already consulting on the possible closure of five courthouses that currently open for limited periods each week.

Mr McGuigan also identified that, "the NICTS approach to estate management had centred mainly on reactive maintenance informed by local managers and upgrades driven by availability of funding rather than a development strategy.

"Combining this with attempts to meet statutory compliance and corporate user standards at every court venue resulted in an estate that reflected historical locations with facilities limited by the poor fabric of many of the court properties."

In conclusion he said that, "By accepting that the demand for improved access to facilities, better provision of special measures and higher quality accommodation cannot be met at every court venue the NICTS must develop an appropriate and affordable Estate Strategy." ■



Northern Ireland

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Not a marginal issue: Mental health and the criminal justice system in Northern Ireland

In March 2010, Criminal Justice Inspection Northern Ireland (CJI) published a report into the treatment of people with mental health problems in the criminal justice system, starting with police, moving through the prosecution to the courts and ending up with prisons and probation.

The report – while noting some excellent practice – documented a range of deficiencies with current arrangements and highlighted the enormous challenges the treatment of people with mental health issues presented to the criminal justice agencies.

The inspection report published in March 2012 by CJI entitled ‘Not a Marginal Issue: Mental health and the criminal justice system in Northern Ireland’ was a follow-up on progress made since the publication of the March 2010 report.

The overall conclusion is that, while some important work has been undertaken, progress has been slow. The early assessment and screening of people with mental health problems remains difficult as they enter into the justice system, and there are still no clear rules about where people are to be taken when they are arrested or detained by the police. The successful Mentally Disordered Scheme highlighted in the previous report, has not been rolled-out across police custody suites, indeed there have been questions raised as to the level of service it can provide in the future.

Dr Michael Maguire, Chief Inspector at Criminal Justice Inspection, said, “While there are some examples of excellent practice, progress in the last two years has been slow despite the recognition of the great challenges facing the criminal justice agencies in caring for prisoners with mental health issues.

“The early assessment and screening of people with mental health problems remains difficult as they enter into the justice system. There are still no clear rules about where people are to be taken when they are arrested or detained by the police.

“There have been some improvements in the information shared between organisations (particularly the Police Service of Northern Ireland (PSNI) and the Public Prosecution Service (PPS), as well as the information given to the court about people with mental health issues. It is not possible to say however, whether this had made any difference to the extent to which people have been diverted away from custodial care.”

He added that a joint DoJ/DHSSPS Working Group has been established and undertaken some initial work in developing a more joined-up approach. “It is early days, and to date it has made limited impact on the ground. However Inspectors are pleased to note the recent Programme for Government commitment to strengthen cross-departmental working to improve mental health inequalities.”

Dr Maguire said one should not underestimate the scale of the challenge facing the criminal justice system and he outlined some of the stark statistics facing the authorities not just in Northern Ireland but throughout the UK.

“These statistics reveal the scale of the problem. Progress has been slow and it’s important that we continue our efforts to meet these challenges,” said Dr Maguire.

“Protecting the public from criminals is just one facet of the criminal justice system; providing prisoners with education and health care as part of their rehabilitation is another so that the likelihood of reoffending on release is reduced. That makes for a better society for us all.”

Mental health, he added, within the justice system is not a marginal issue, and work needs to continue both within and between justice organisations, and on a cross-departmental basis to ensure further improvements are made.

- 16% of people placed in custody meet one or more of the assessment criteria for mental disorder
- 78% of male prisoners on remand and 50% of female prisoners are personality disordered – seven times that of the general population
- 64% of male and 50% of female sentenced prisoners have a personality disorder; 12 and 14 times the level in the general population respectively
- 700 out of 850 prisoners in Maghaberry prison are on medication, mainly tranquillisers, and about 7% of the whole prison population are thought to be seriously mentally ill
- 25% of those committed to the prison system every year would say they have been in touch with mental health services in the community
- In the United Kingdom, 70% of sentenced prisoners suffer from two or more mental health problems
- 20% of prisoners have four or five major mental health disorders
- 7% of male and 14% of female sentenced prisoners have a psychotic disorder, 14 and 23 times the level in the general population respectively
- 95% of young prisoners aged 15 to 21 suffer from a mental disorder; 80% suffer from at least two mental health problems; nearly 10% of female sentenced young offenders reported already having been admitted to a mental hospital at some point

Chief Inspector addresses Public Protection Arrangements Northern Ireland (PPANI) Special Interest Seminar

Dr Michael Maguire was one of a number of speakers who addressed the PPANI Special Interest Seminar entitled 'It's Good to Talk' – Communication within and between Agencies, which was held in the Ramada Hotel, Shaws Bridge, Belfast.

Speakers on the day included ACC George Hamilton, Cheryl Lamont, Probation Board for Northern Ireland, Alphy Maguinness, Directorate of Legal Services and Olive Buckley GP with the sessions being chaired by Hugh Hamill, Alan Smyth and Gail McGreevy.

During his presentation 'Communications and the criminal justice system in Northern Ireland', Dr Maguire highlighted the importance of good communications as a critical theme arising from a



range of CJI's inspection reports. He examined what could be done to improve communications within CJS and called on all agencies to recognise that good communication should not be taken for granted and needs to be worked at constantly. ■



Improvements made at Roe House

The Regulation and Quality Improvement Authority and Criminal Justice Inspection Northern Ireland carried out an unannounced follow-up inspection in August 2011 at Roe House, Maghaberry Prison.

This was a follow-up to a similar inspection undertaken in July 2010, which examined environmental cleanliness and infection prevention and control in Roe House to determine how the Northern Ireland Prison Service was managing this issue during an ongoing protest.

Improvements have been made in the management of cleaning processes and cleanliness of the environment at Roe House, Maghaberry Prison, but continuous attention is required to ensure that all necessary steps are being taken to minimise potential risks of the spread of infection to prisoners and prison staff.

When inspectors revisited in August 2011, of the 53 recommendations for improvement made in July 2010, 14 had been achieved (26%), 22 partially achieved (41%) and 17 not achieved (33%).

The August 2011 inspection made 38 recommendations for improvement, the majority of which stemmed from the earlier inspection.

"The 2011 findings indicate that progress had been made to address the previous recommendations," said Dr Michael Maguire. "However continuous work is required to minimise the potential for transmission of infection."

An Action Plan from the Northern Ireland Prison Service indicates that as of February 2012, 32 recommendations have been actioned and four are delivered on an on-going basis. ■

Review of Protocol for the Joint Investigation of Alleged or Suspected Cases of Abuse published

In May 2011 a joint review was carried out by the Regulation and Quality Improvement Authority (RQIA) and Criminal Justice Inspection Northern Ireland (CJI) of the Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults (the Protocol), introduced in July 2009. The Protocol outlines the role and responsibilities of the respective agencies and provides guidance about joint working arrangements and investigation.

It was developed in partnership between the PSNI, the health and social care (HSC) trusts, the HSC Board, RQIA and the Department of Health, Social Services and Public Safety (DHSSPS) in Northern Ireland.

The purpose of this review was to assess the progress made by HSC trusts, HSC Board, PSNI officers and RQIA in the implementation of the Protocol since 2009.

The review assessed progress made by those involved in the implementation of the protocol since its introduction. The review team noted that effective working relationships have been established at operational and strategic level within the partner organisations, particularly between trusts and the PSNI. The establishment of a Local Adult Safeguarding Partnership in each trust has fundamentally changed the governance of adult protection services. In addition, the work streams under the NI Adult Safeguarding Partnership have brought a clearer focus on the safeguarding and protection of vulnerable adults.



The review team also noted the need for all organisations to ensure information is recorded in a consistent manner on the forms laid out within the protocol, including those considering the human rights of vulnerable adults.

Glenn Houston, RQIA Chief Executive, said: “Safeguarding vulnerable adults requires a rigorous and well coordinated approach between social services and other agencies including the PSNI. The joint protocol supports health and social care professionals in taking appropriate and timely actions in responding to allegations of abuse. As a joint signatory to the protocol, RQIA will continue to use its enforcement powers to ensure the protection of vulnerable adults.”

Brendan McGuigan, CJI Deputy Chief Inspector, added: “The review has established that effective working relationships are being forged between PSNI and the various health trusts. This is helping create the conditions where vulnerable adults are being protected and where offences involving them are being investigated appropriately by both police officers and social services staff.”

The review team made a range of recommendations for those organisations involved, reinforcing the need to adhere to the guidance within the protocol in relation to governance, training and record keeping. They also recommend that the protocol is kept under review to ensure learning and emerging legislation in this area is taken into account. ■

Criminal Justice Inspection charts way forward

Criminal Justice Inspection Northern Ireland has published its Corporate Plan for 2012-2015 and its Business Plan for 2012-2013.

The Corporate Plan provides a strategic look at the inspection programme over the next three years while the Business Plan sets out more precisely the objectives and targets for the year and the resources which CJI propose to deploy to achieve them.

“As an organisation we plan to build on the good work that has been achieved to date by working in partnership to deliver a high quality, independent and impartial inspection programme working towards our ultimate of building a better justice system for all,” said Brendan McGuigan, Deputy Chief Inspector of Criminal Justice.

The proposed inspection programme sees a continuation of a number of areas that have been at the forefront of CJI’s work. CJI will be examining issues with regard to young people, the treatment of victims and witnesses and significant issues arising from avoidable delay within the justice system. A number of agency specific inspections can be considered within this context.

In addition, and in line with Ministerial priorities, CJI will continue to focus on the work of the Northern Ireland Prison Service particularly in relation to oversight of the reform programme and the impact of the changes on outcomes for prisoners – a key measure of success. The organisation will also take a more strategic look at some of the key challenges facing the justice system including the reduction of re-

offending and the difficult issue of dealing with persistent offenders.

A third objective of CJI is to provide independent assessment to Ministers and the wider community on the working of the criminal justice system.

“The inspection programme is challenging, ambitious and comprehensive, but I believe that the work of the Inspectorate to date and the relationships we have developed across the justice system and beyond provide a firm basis for ensuring its successful implementation,” said Mr McGuigan.

Looking to the future, Mr McGuigan said: “Going forward the focus will be on delivery issues – what has been called the making a “devolution difference”. In practical

terms, this will mean much greater scrutiny by politicians and others on the outcomes provided by the justice agencies and the services provided to the people of Northern Ireland.

“CJI is committed to working with justice organisations to provide an honest and independent reflection of the strengths and weaknesses of the justice system, highlighting areas of good practice and providing a basis upon which a shared improvement agenda can be implemented moving forward,” he concluded. ■

