

New Chief Inspector advocates collaboration and ingenuity to achieve further change

Four months after his appointment as CJI's new Chief Inspector, Brendan McGuigan outlines his vision for securing improvement within the criminal justice system in a challenging economic climate.



Brendan McGuigan

can achieve even more, particularly in the following areas:

- Early intervention and supported diversion will reduce the number of individuals and in particular young people coming into the criminal justice system.
- More effective partnership working, including a statutory duty to co-operate over a range of issues will improve the criminal justice response to service delivery, as we have seen in public protection arrangements and adult safeguarding.

“I am delighted to have been appointed the Chief Inspector of Criminal Justice in Northern Ireland and to build on the work of my predecessors, Kit Chivers and Dr Michael Maguire. I regard my appointment as a vote of confidence in the Inspectorate, and see it as the pinnacle of my 42-year career in the criminal justice system.

“The current climate of austerity has, in my view, created an opportunity for the relatively well resourced criminal justice agencies to look creatively at how they deliver their services, and to shed those functions which are wasteful and ineffective.

“The Inspectorate has built up a significant knowledge of the criminal justice agencies, their strengths and weaknesses and their relationship with others. I intend to make full use of this banked knowledge and to introduce a more risk-based approach to developing the inspection agenda and a ‘light touch’ for those agencies who are delivering good performance.

“CJI is now well established and has developed effective relationships with a broad range of stakeholders. I also value the support of our partner Inspectorates and the perspective that they bring to our work, especially in providing comparators and benchmarking the performance of criminal justice agencies.

“The Inspectorate has helped identify the significant issues facing the criminal justice system in Northern Ireland and now is the time for us to help secure the improvements that will impact on public confidence, reduce delay and deliver a high quality of service, particularly in relation to the investigation and reporting of crimes, the treatment of victims and witnesses, the processing of cases through the criminal justice system, and the sharing of relevant information at various stages of the process.

“I also believe that in working collaboratively with the agencies and the Department of Justice, we

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- Significant cross-departmental working is still required in areas involving children, mental health, learning and skills in prison, as well as social deprivation/disadvantage in some of our communities.
- Building quality and timeliness into every aspect of work when

a decision is made to initiate a criminal justice process.

“I believe that CJI raised awareness of the significant challenges facing the justice system as it reforms to meet the needs of all citizens. I am taking up the reins of the organisation during austere times, and yet I sense that organisations are open to consider more imaginative

ways to improve how they work with each other so that we reduce avoidable delay, improve the experience of victims and witnesses and reduce re-offending.

“CJI has its part to play and I am committed to working collaboratively with organisations and stakeholders to deliver these changes,” said Mr McGuigan. ■

Kyrgyzstan visitors meet with CJI Inspectors

A delegation of representatives involved in the process of police reform and civilian oversight visited CJI and met with members of the inspection team during a visit to Belfast in November 2012.

The visit organised by NI-CO included senior representatives from the Kyrgyzstan Government and the new head of the Police Academy, as well as legal representatives, legislators and representatives of civil society involved in the reform process.

“We had a very productive meeting with the Kyrgyzstani delegation who



Inspectors Bill Priestley, Rachel Lindsay, Derek Williamson and Acting Deputy Chief Inspector James Corrigan pictured with representatives from the Kyrgyzstan Government.

were keen to learn about the remit of Criminal Justice Inspection, its

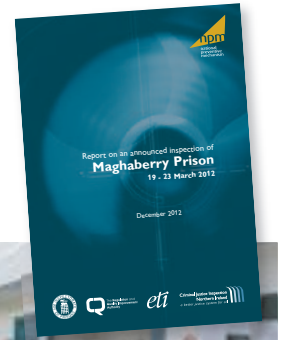
role as a civilian oversight body and how it maintained independence when engaging with Government,” explained Inspector Bill Priestley.

“The group, who are actively involved in the reform process, were keen to explore the concept behind, and benefits of, a unified inspection body and the use of examples of best practice to encourage and promote improvements within the criminal justice system in Northern Ireland,” added Bill.

The meeting which involved 11 representatives from Kyrgyzstan lasted two hours. ■



Maghaberry Prison improves but still a long way to go



CJI's latest report into Maghaberry Prison was published on 11 December 2012 following an inspection undertaken in Spring 2012 by a multi-disciplinary team. The last inspection was in 2009.

Inspectors from CJI, Her Majesty's Inspectorate of Prisons (HMIP), the Regulation and Quality Improvement Authority (RQIA), and the Education and Training Inspectorate (ETI) found some positive developments in relation to the critical area of safety: arrangements to support vulnerable prisoners were improving and the introduction of mandatory drug testing was positive. However there were concerns around the diversion of prescription medication and poor drug treatment processes. Organisational and staffing problems were having an adverse impact on clinical outcomes and healthcare partnership arrangements were not working as effectively as they should.

Inspectors also noted that there was no effective monitoring of violent incidents at Maghaberry to identify where they were likely to occur, or how they could be prevented.



Quoile House, Maghaberry Prison

Despite high staffing levels, communal areas were not adequately supervised and the prison did not provide a sufficiently safe environment for prisoners.

A more strategic approach towards purposeful activity was required. There had been positive investment in the prison's new Learning and Skills Centre, but there were insufficient activities to occupy prisoners. Around half of the prison population was unemployed and too many prisoners were locked up for up to 20 hours per day.

Resettlement was the most positive aspect of Maghaberry Prison, with good attempts made to address prisoners' behaviour despite high

numbers and the complex population held there. Public protection arrangements were functioning better than in 2009 and, while not all needs were met, the provision of offending behaviour programmes had improved.

Inspectors found that in terms of equality there were still unequal outcomes for Catholic prisoners in several important areas, yet this sensitive issue was not being adequately addressed.

Overall the inspection found some tangible signs of improvement but concluded that Maghaberry still had a long way to go, and Inspectors made 93 recommendations for improvement. ■

Inspector awarded certificate in corporate governance

CJI Inspector Stephen Dolan has successfully completed a Certificate in Corporate Governance, jointly awarded by CIPFA and the Institute of Administrative Management.

The course which included modules on governance frameworks, accountability, corporate values and a written dissertation, was assessed by joint CIPFA/IAM adjudicators.

Stephen is pictured being presented with the certificate by the Northern Ireland Minister of Finance, Sammy Wilson MLA (right) whilst Steve Freer, Chief Executive CIPFA UK (left) looks on.



Chief Inspector speaks at probation dinner

CJI's Chief Inspector, Brendan McGuigan, was a guest speaker at a recent dinner organised by the Probation Board for Northern Ireland (PBNI). The event, held on 17 January 2013 was arranged to introduce new Board members, and to up date existing members on the work of the organisation.

During his remarks Brendan spoke of his knowledge and experience of probation prior to joining the Inspectorate, and what he had observed subsequently through a range of inspections. He highlighted the pivotal role played by PBNI in delivering public protection arrangements and how they had helped raise standards in this area of work.

The Probation Board's contribution to prisoner resettlement, the delivery of community service schemes and their critical role in lifer management were also outlined, as indeed were the positive messages emerging from the current offender management

inspection.

"The Probation Board is an organisation that punches well above its weight, is hardworking and takes itself seriously. It is self-critical and eager to learn in the pursuit of excellence," he said. The Chief Inspector contended that the social work value and skills gave the organisation a 'big picture view' and commended their adherence to demanding standards and a systematic approach to risk assessment and risk management.

Brendan outlined some challenges for the organisation which included the need to invest in a new

management information system and reviewing their relationship with the Youth Justice Agency. He suggested that the organisation should actively pursue new partnership working opportunities with other criminal justice agencies, as their track record suggested that they were a 'perfect partner'.

Brendan believes that the newly constituted Board should be cautious about any change in the status of the organisation, and suggested that as a non-departmental public body they have performed extremely well. He suggested that the key challenges for the Board were to promote the role of probation with the wider justice stakeholders so that their voice could compete with larger organisations which tended to be closer to the centre of the system. ■

Forensic Science Conference in Holland

CJI Acting Deputy Chief Inspector, James Corrigan, recently participated in the European Academy of Forensic Science Conference, which took place in The Hague.

The conference brought together forensic scientists, academics, policy makers, politicians and criminal justice practitioners from across the world who took part in 225 lectures and 43 workshops.

The core themes of this week long conference included the changing role of forensic scientists and the

means of raising awareness of the contribution of forensic science to the criminal justice system.

James, who attended for one day, gave a presentation on inspecting a forensic science laboratory, which drew upon his involvement with two



separate CJI reports on Forensic Science Northern Ireland. The importance of comparing the delivery and performance of forensic science across different criminal justice systems was also a core part of the presentation.

The evidence and knowledge gathered at the conference will feed into an ongoing inspection of Forensic Science Northern Ireland, which will be published in the near future. ■

Bahraini Police Ombudsman visits CJI



Bahraini Police Ombudsman (bottom left) and staff with Chief Inspector Brendan McGuigan (bottom middle) and Inspectors David MacAnulty and Bill Priestley.

The Bahraini Police Ombudsman Mr Nawaf Almaawdah visited CJI in January 2013 to meet with Brendan McGuigan and Bill Priestley as part of an international information gathering visit.

The position of Police Ombudsman for Bahrain – the first among the Gulf states - was created following recommendations by an Independent Commission of Inquiry that looked into human rights abuses that took place during the 2011 unrest.

During the visit Mr Almaawdah focused on how departments/organisations operate at a working level in terms of handling complaints, how individuals are treated when in custody/prison, the role of oversight bodies in the various processes, who they work closely with and the background and reasoning to how decisions/recommendations are made.

Mr Almaawdah was accompanied on his visit by Mr Abdulrahman Faris, the Acting Director of the Grievances Affairs Directorate within the Police Ombudsman's office and Mr Russ Dixon, Deputy Ambassador to Bahrain with the Foreign and Commonwealth Office.

Speaking after the meeting the Chief Inspector of Criminal Justice, Brendan McGuigan said he welcomed the opportunity to engage with the Bahraini Police Ombudsman and share experiences and working practices employed.

“This was a useful and productive meeting which I hope will benefit the development of this newly formed office which is charged with the responsibility of police oversight” said Mr McGuigan. ■

Chief Inspector addresses Scottish police conference

CJI's Chief Inspector Brendan McGuigan was one of a number of high profile figures invited to address delegates attending the fifth annual Scottish police conference.

The theme of this year's event, which took place at the Dynamic Earth complex in Edinburgh on 25 February, looked towards the establishment of a single police force for Scotland with the amalgamation of the existing eight police services on 1 April 2013.

Speaking on the topic of ‘The future of policing’, Mr McGuigan addressed the challenge of taking a more holistic approach to criminal justice and the benefits that could be achieved through the use of a unified inspection body looking across the criminal justice system rather than one specific part.

“I was delighted to be able to make a contribution to this conference and hope that Scotland and its policing arrangements can learn from the Northern Ireland experience” he said.

Among the other speakers addressing the conference were Kenny MacAskill MSP, Cabinet Secretary for Justice, The Scottish Government; Stephen House, Chief Constable for Police Scotland; Professor John McNeill, Police Complaints Commissioner for Scotland; and Paddy Tomkins QPM, former HM Chief Inspector of Constabulary for Scotland and Advisor to the EU on police reform. ■

Inspectors call for improvements in early pleas process

Facilitating an offender who fully admits their guilt to be fast tracked through the criminal justice process should be relatively straightforward. Unfortunately, that is not always the case with significant numbers of pleas being entered late in the process, as a recently published inspection by CJI clearly shows. Inspectors also found that entering an early guilty plea and getting the case to court for hearing and disposal is too often a complex and protracted process.

Inspectors found a significant proportion of defendants who did not plead guilty at the outset. This averaged 60% across all court tiers in 2010-11. Similarly, significant numbers of those guilty pleas received, come after the first sitting across all court tiers, and this averaged around 40%. Consequently, Inspectors considered concentrating on getting these significant numbers of later pleas (8,539 in 2010-11) at an earlier stage must be a key objective. Coupled with other additional efficiencies identified in their report, Inspectors conservatively estimated that there was a potential for savings ranging between £3.4 - £5.6m per annum.

“This CJI report recognised that for those who intend to plead guilty, an early plea avoids the need for a trial, thus saving any witnesses and/or victim from having to give evidence, and reducing the costs to the public,” said lead Inspector Derek Williamson.

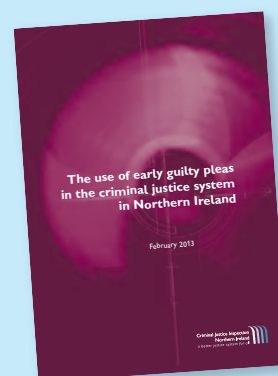
“During fieldwork, Inspectors found overwhelming support for early guilty pleas. There were also convincing arguments of the need for early guilty plea schemes. Inspectors considered that achieving the benefits of early guilty pleas required a number of inter-dependent factors to be considered,” he said.

These inter-dependencies were significant and existed across a range of areas. These included, for example, matters such as the availability and early service of core evidence, and the legislative framework for the transfer of cases to the Crown Court and for case progression generally.

Inspectors therefore considered that in encouraging early guilty pleas there were a number of landscape issues which did not assist in the delivery of effective early guilty pleas. The issues included matters which may require legislative reform, such as fundamental and progressive reform of the committal process.

This is a significant barrier to the progress of cases (delay), receiving pleas at an early stage in the Magistrates’ Court and sentencing without delay. Further issues concern the payment of legal fees where Inspectors considered that there could be a temptation to escalate matters to a contest or to the higher court. Some further obstacles identified by Inspectors included, for example, over-charging, reduced/withdrawn charges, case readiness, case file quality, and early service of evidence.

“The inspection also found that defendants themselves saw scope to improve the current system and



increase the number of guilty pleas entered at an early stage. Transparency in sentencing and certainty of sentence reductions were key among the issues highlighted by offenders,” said Derek.

Consequently, alongside a key recommendation to deliver structured early guilty plea schemes, Inspectors made a number of other interconnected recommendations aimed at assisting in the delivery of effective early guilty pleas schemes. Inspectors were also clear in stating that there was an overarching need for the commitment of all in the justice system to play their part in support of early guilty pleas.

Finally, the report acknowledged that the Department of Justice, police, prosecution and courts services all realise the benefits that can be achieved for victims, witnesses and offenders, and had themselves already taken significant steps to try to move this issue in the right direction. This included a focus on the critical issues including:

- the development and delivery of a co-ordinated criminal justice wide early guilty plea scheme;
- other legislative reform including committals and statutory case management; and
- changes to criminal legal aid payments.

Police Ombudsman's Office ready to re-start investigation of historical cases

In January 2013 CJJ published the findings of its follow-up review of recommendations made in its 2011 report on the independence of the Office of the Police Ombudsman for Northern Ireland (OPONI).

Publication of the findings of the independent inspection - which was supported by colleagues from Her Majesty's Inspectorate of Constabulary (HMIC) - paved the way for the OPONI to recommence work on sensitive historical cases.

Work by the OPONI on sensitive historical cases had ceased in September 2011 after a CJJ inspection report on the independence of the Office found the way in which the OPONI dealt with the investigation of historical cases had led to a lowering of its operational independence. This recommendation had not been made lightly, but in response to the gravity of the situation Inspectors found at that time.

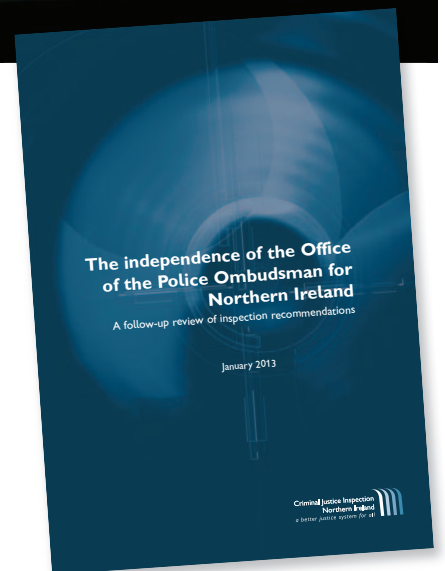
Inspectors found that new structures and processes focused on robust quality assurance of investigations and the subsequent production of public reports, had been put in place. Rebuilding public confidence had been a priority for the new Police Ombudsman who had recruited experienced Senior Investigating Officers, invested in new technology, and introduced new processes and procedures with quality assurance checks and regular reviews to ensure the integrity of both the investigation and public reports.



There was clear evidence of the direct involvement of the Police Ombudsman at every stage of the investigation process and an intention to provide direct ownership of the public report. This leadership had been welcomed and valued by staff in the History Directorate and by other senior staff.

Substantial progress had been made against CJJ's six recommendations from its September 2011 report. Four had been fully achieved, whilst two had been partially achieved. The two incomplete recommendations are now reliant on progress in other areas. These are:

- a complete assessment of the effectiveness of the new procedures and structures affecting independence will only be possible when the OPONI publishes reports arising out of investigations into historical cases; and
- completion of the work to review the OPONI Confidential Unit will only be possible after a new Memorandum of Understanding



is agreed with the PSNI. This work is at an advanced stage, but had not been completed at the time of inspection fieldwork.

CJJ recognises that the OPONI has an important role in terms of providing independent police oversight of policing in Northern Ireland which in turn impacts on public confidence.

Given the level of progress that has been made so far, Inspectors recommended that the OPONI recommence the investigation of complaints arising from historical cases as soon as is practicable. ■

Disappointment around limited progress on police custody issues

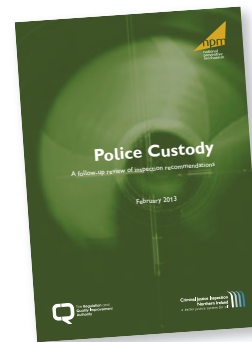
CJI recently published its follow-up review of a previous 2009 inspection looking at the standards and conditions of police custody arrangements in Northern Ireland.

The inspection and subsequent follow-up reviewed current practice within the PSNI against its legal requirements under the Police and Criminal Evidence (Northern Ireland) Order 1989 and the OPCAT principles. CJI has been designated as one of the UK's National Preventive Mechanisms for OPCAT and this inspection enabled the Inspectorate to discharge its responsibilities in relation to police detention.

Inspectors found a high level of awareness existed among staff in custody suites around risk management and the treatment of vulnerable persons, especially in

relation to young people or those who potentially were under the influence of drink or drugs. Custody staff were also aware of the need to apply appropriate risk management procedures where a detainee may be at risk of self-harming, have mental health issues or a known medical condition. Cells examined during the inspection were also found to be clean and of an acceptable standard, to hold detainees for short periods of time. The Inspectorate recommended however that the PSNI should, in conjunction with the UK Border Agency, explore alternatives to police cells for immigration detainees held for more than 36 hours.

Weaknesses were identified during the inspection in relation to the PSNI's clinical governance arrangements, the approach to safe storage of medications and cleanliness of medical rooms, and its



management and oversight

of the work of its Forensic Medical Officers. Inspectors have also recommended the PSNI undertake a cost-benefit analysis of the current and alternative health care models and implement the most appropriate, cost effective option.

In light of the limited progress made to date, CJI intends to revisit this issue to carry out a full inspection in 2013-14.

The PSNI's action plan in relation to the recommendations was published with the report which is accessible via www.cjini.org. ■

Chief Inspector leads engagement on new inspection programme

Since the start of 2013, Brendan McGuigan has been involved in a series of meetings with the heads of statutory criminal justice organisations, representatives of the voluntary and community sector, other oversight bodies and locally elected representatives to shape CJI's inspection programme for the incoming financial year.

"CJI has always adopted an inclusive approach to the development of its inspection agenda and I welcome

the comments I have received from all those I have consulted since the start of the year as part of this process," said Brendan.

"The meetings have been very beneficial in terms of endorsing the Inspectorate's own views on what should feature as part of the new inspection programme and making constructive suggestions around areas which may benefit from inspection," he said.

As part of the discussion, the Chief

Inspector has now met with the inspection team to consider the draft inspection programme for 2013-14 and plan the resourcing and timing of the proposed work.

In addition, the Chief Inspector recently discussed the planned inspection programme with departmental officials, and the Minister of Justice and said: "I look forward to publishing our new inspection programme as part of our business plan for 2013-14," he said. ■