


Improving the Provision of Care for Victims and Witnesses within the Criminal Justice System in Northern Ireland

A Follow-Up Review of the July
2005 Inspection Recommendations

March 2008

Criminal Justice Inspection
Northern Ireland
a better justice system for all





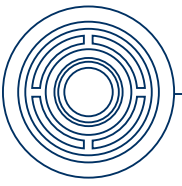
Improving the Provision of Care for Victims and Witnesses within the Criminal Justice System in Northern Ireland

A Follow-Up Review of the July 2005 Inspection
Recommendations

March 2008

Criminal Justice Inspection
Northern Ireland
a better justice system for all

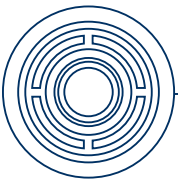






Contents

List of abbreviations	iv
Chief Inspector's Foreword	v
Chapter 1 Introduction	3
Chapter 2 Progress on Key Recommendations	5
Chapter 3 Other Recommendations: <i>Development of Strategies, Policies and Plans</i>	13
Chapter 4 Other Recommendations: <i>Effective Communication</i>	17
Chapter 5 Other Recommendations: <i>Special Measures</i>	23
Chapter 6 Conclusion	25



List of abbreviations

ACPO	Association of Chief Police Officers
CBRJ	Community Based Restorative Justice
CLT	Community Liaison Team (PPS)
CJA	Criminal Justice Agency
CJB	Criminal Justice Board
CJI	Criminal Justice Inspection Northern Ireland
CJS	Criminal Justice System
CJSNI	Criminal Justice System Northern Ireland
CWS	Court Witness Service (supplied by VSNI)
ICOS	Integrated Court Operation System
NI	Northern Ireland
NICtS	Northern Ireland Court Service
NIO	Northern Ireland Office
NIPS	Northern Ireland Prison Service
NSPCC	National Society for the Prevention of Cruelty to Children
PBNI	Probation Board for Northern Ireland
PPS	Public Prosecution Service
PRVIS	Prisoner Release Victim Information Scheme
PSA	Public Service Agreement
PSNI	Police Service of Northern Ireland
VSNI	Victim Support Northern Ireland
VVIW	Victims, Vulnerable and Intimidated Witness Steering Group
WAVES	Witness And Victims Experience Survey
YWS	Young Witness Service (supplied by NSPCC)



Chief Inspector's Foreword

In July 2005 Criminal Justice Inspection (CJI) published a thematic report on *'Improving the Provision of Care for Victims and Witnesses within the Criminal Justice System in Northern Ireland'*. This review reports on the progress that has been achieved in implementing the recommendations made at that time.

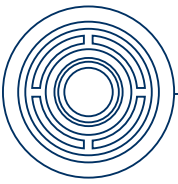
People react differently to their experience of crime or attending court and, for some, being a victim of crime can lead to all kinds of problems and practical matters to address. If a case is investigated by the police or goes to court, worries about dealing with the procedures and processes of the criminal justice system can become paramount.

The system is adversarial by nature and inevitably that creates many stresses. This makes it all the more important that agencies should do whatever they can to make victims and witnesses feel valued and to ease the burden on them. They need to be strengthened and supported in expressing their needs and even more than that, the agencies need to undergo a culture change to see victims and witnesses as central to their business. The agencies need to take care to 'do no harm' in relation to victims and witnesses; unless care is taken, going through the criminal justice system can make them feel like victims a second time over.

If victims and witnesses feel well cared-for, satisfaction with the criminal justice system will rise, and with it, confidence¹ in the system. Confidence will lead to more witnesses coming forward, more successful prosecutions and greater effectiveness, creating a virtuous cycle of improvement. It deserves a high place in the business and corporate plans of every agency.

The launch of the Government's Victim and Witness Strategy in September 2007 was a significant step. It picked up the main themes from the inspection and turned them into an extensive range of positive steps over the next five years to improve the position of victims and witnesses in the CJS. The main outstanding recommendation that there should be a single central point to which victims and witnesses should be able to refer for information about their cases is being worked on, and we can expect an announcement about it later in 2008. I hope very much that the scoping work will reach a positive conclusion, though advances in technology may mean that it will be achieved in a different way from that originally envisaged.

¹ The NIO has advised CJI that statistics captured through the NI Crime Survey for year ending September 2007 show that confidence in the criminal justice system has increased by 6 percentage points since a baseline was established in 2003/04 to 45% and the confidence of victims has increased by 4 percentage points since 2003/04 to 37%.



I commend the strategy, and the work of the Victims, Vulnerable and Intimidated Witness Steering Group (VVIW) and others in helping to improve processes to deliver a better service to victims and witnesses. But this is not a subject that can now be left to them. It requires, and deserves, the continued attention of top management in each of the agencies and of the Criminal Justice Board collectively. CJI will continue to monitor progress, and will conduct a further review roughly half way through the five year period of the strategy.

The Inspection team lead by John Shanks greatly appreciated the co-operation it received from all who participated in the original and follow up inspections.

Kit Chivers

Chief Inspector of Criminal Justice in Northern Ireland

March 2008

**Criminal Justice Inspection
Northern Ireland**

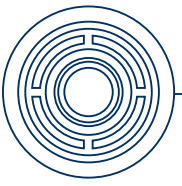
a better justice system for all



Section



Inspection Report



CHAPTER 1:

Introduction

In January 2005 Criminal Justice Inspection Northern Ireland (CJI) commenced a cross cutting thematic inspection into the 'Provision of Care for Victims and Witnesses within the Criminal Justice System in Northern Ireland'. The aim of the inspection was to ensure that effective mechanisms were in place to increase the confidence of victims and witnesses so that they would fully participate within the criminal justice system in Northern Ireland. It was envisaged that if the best possible care and attention was afforded to victims and witnesses, together with good support systems, then more people would voluntarily come forward to help achieve good outcomes which would ultimately help protect society in general.

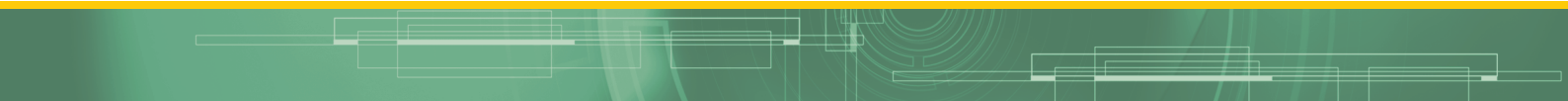
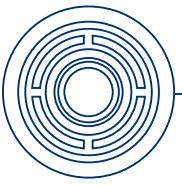
Based on the inspection findings at that time, a report was published in July 2005 which made a total of 37 recommendations structured into four themes, those considered to be:

- strategically key;
- in relation to the development of strategies, policies and plans;
- necessary to improve communication; and
- specifically about special measures.

As part of CJI's approach to inspection a follow-up review to assess progress with the implementation of recommendations normally occurs after a period of 12 months. However, because of the strategy, policy and procedural development work required it was agreed to defer this for a further year.

This follow-up review forms part of the CJI 2007-08 inspection programme. The inspection was guided by the work of the criminal justice agencies (CJAs) and other partners who co-ordinated activities through the Victims, Vulnerable or Intimidated Witnesses Steering Group (VVIW) Action Plans which were supplied to CJI in April 2006 and updated in July 2007. CJI met with key stakeholders to confirm progress and gather evidence to validate the achievements.

Recommendations have been graded as having been 'achieved' or 'not achieved' based on progress in implementing the agreed tasks and taking account of the published timeframes.



CHAPTER 2:

Progress on Key Recommendations

Recommendation 1

The Criminal Justice Board should develop an overarching Victims and Witnesses Strategy that will promote the accountability of each agency for the services which they deliver. The strategy should be designed to ensure that a robust, joined-up service is available across agencies and the voluntary sector to facilitate a consistent approach for the provision of care for victims and witnesses (paragraphs 2.8 and 10.4).

Status: Achieved

The development of the strategy is a significant achievement which was brought about through the committed work of the VVIW and others. It is important that adequate resources are available to deliver the work necessary to achieve the challenges outlined in the strategy's annual plans to deliver a better quality of service to victims and witnesses.

The Criminal Justice Board (CJB) accepted the recommendation and tasked the VVIW, a sub-group of the CJB, to develop a draft strategy for their approval. While there was some slippage in timescales a Strategy Development Workshop was held in April 2006, the draft strategy was delivered to the CJB in December 2006, public consultation of the strategy occurred

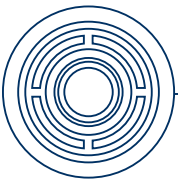
during the period January to April 2007 and publication and formal launch of the strategy occurred on 18 September 2007.

The Criminal Justice Minister Paul Goggins MP, launched the Victims and Witnesses Strategy setting out the five year strategy designed to improve the services provided to all victims and witnesses of crime in Northern Ireland. The Minister commented "*through this strategy – which has the full support of everyone in the criminal justice system – we will be creating new and innovative ways to help both victims and witnesses cope with their experiences and enable them to start rebuilding their lives. This will include practical measures to support witnesses when they need to give evidence in court.*"

The strategy aims to improve the level of service for all victims and witnesses of crime in five strategic objective areas:

- Access to Information;
- Case Progression;
- Quality of Service;
- Support to Victims and Witnesses; and
- Listening to Victims and Witnesses.

It is a five year plan that will be continually reviewed by the VVIW Group who shall produce annual action plans setting out the commitments for each year.



Recommendation 2

Unless a cohesive action plan is developed and time bound activities are agreed to address the issues highlighted in this report, then recommendation 230 of the Criminal Justice Review should be implemented, that is, a Criminal Victims Advocate for Northern Ireland (distinct from the proposed Commissioner for the Victims of the Troubles) should be created (paragraphs 2.9 - 2.13).

**Status: Achieved
(in relation to Action Planning)**

This recommendation was made to provide the catalyst for improvements to be agreed, processes documented and mechanisms in place to control the necessary enhancements to victim and witness service delivery. The VVIW have developed an action plan, which is reviewed at meetings and is periodically updated to reflect achievements and reviews by the CJB.

However, Inspectors found some concerns remain in relation to the timeliness of progress and the capacity for VVIW members to deliver the necessary change. The VVIW is composed of very committed and experienced individuals who represent their organisations well, but for the majority of the group this activity is a small part of their overall job. In addition they need to have time and decision making capacity to influence and support change within their own organisations.

Comparison was made with the multi-agency resourcing applied to address the recommendations of the Delay Inspection Report and the strong leadership provided to achieve implementation within a concentrated time period. It is important


that the CJAs equally give victims and witness issues high priority to ensure efficient progress is made with development areas being set out through the strategy plans. In addition members of the VVIW would look to the CJB Victim Champion to help deliver the strategy over the five year period.

Recommendation 3

The VVIW (together with VSNI and NSPCC) should urgently consider the development of a Witness Service Delivery Strategy for both prosecution and defence witnesses. There needs to be a holistic, non-fragmented approach for an effective witness service that would meet the needs of those requiring the service in all courts including: Crown, Magistrates, Youth and Coroners (paragraphs 5.15 - 5.17 and 7.2).

Status: Achieved

The recommendation was accepted and included within the overall strategy outlined at Recommendation 1. The VSNI Witness Service implementation plan was drafted and endorsed by VVIW in February 2006 and the Young Witness Service plan was drafted and endorsed in March 2006. As a result an implementation Plan “Roll out of Court Witness Service into Magistrates, Youth, County Courts, Court of Appeal and Coroner’s Court” was produced in March 2006 setting out a range of incremental steps to roll out the services to courts. A Steering Group was established to oversee the roll out and to ensure that mechanisms are in place to facilitate service delivery. Inspectors were informed that the VVIW plan to evaluate the service after two years of both VSNI and NSPCC



services being fully operational in all Crown, Magistrates' and Youth Courts. To date the focus has concentrated on the roll out of the witness service for prosecution witnesses throughout the courts in Northern Ireland. However, during the planned evaluation the needs of defence witnesses and those attending Coroner Courts will be considered.

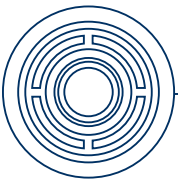
Recommendation 4

The Criminal Justice Board should set up a jointly owned Victims and Witnesses Information Unit located within one central function for administrative purposes. The purpose of such a unit would be to provide a single point of contact to the CJS to help any victim or witness with information needs, case progress advice and referral to other bodies established to provide a more specialised support (paragraph 2.15).

Status: Not Achieved

This issue is also referred to as 'the one stop shop'. While this key recommendation is on the radar it lacks real progress. Concerns still exist as to how victims and witness can obtain a single point of contact access to consistent and timely information about their case. Despite this recommendation being accepted Inspectors found little progress to implement processes within a reasonable timescale to deliver the much needed central point of contact for information and administrative exchange between victims and witnesses and the CJS.

There has been slippage with this recommendation. Two years after making this recommendation Inspectors found there was no common understanding amongst the agencies and a significant lack of clarity and knowledge as to how this matter can best be taken forward. Inspectors were advised that VVIW re-aligned its work programme to ensure that priority initiatives were developed in areas such as the establishment of the new victim and witness five year strategy. A more focused approach to developing a one stop shop has recently been taken and a shared commitment to develop agreed proposals by end of March 2008, for piloting of the project in 2008-09, is included within the first year strategic plan (2007-08). There is a need for more focus and strong leadership to co-ordinate activities to deliver processes to implement this recommendation.



Recommendation 5

The Board should establish baselines in respect of victim and witness satisfaction and should monitor performance and the quality of services delivered by the CJS. A centralised function may be best placed to co-ordinate customer survey and baseline reporting (paragraph 10.15).

Status: Not Achieved

By June 2006 all agencies through the activities of the VVIW had contributed to the development of a draft overview customer satisfaction survey. The survey known as a Witness and Victims Experience Survey (WAVES) is planned for implementation by March 2008 (one year behind schedule). The survey, based on a similar sample study of victims in England and Wales, will question people as they exit the CJS.

Recommendation 6

The Board should develop partnership arrangements with Community Based Restorative Justice (CBRJ) groups in keeping with and subject to the conditions stipulated in Recommendation 168 of the Criminal Justice Review to complement the existing statutory and voluntary agencies' service, focussing particularly on the gaps in service delivery in relation to lower level crime (paragraph 6.14).

Status: Achieved

CBRJ schemes are designed to provide restorative solutions to problems of low-level criminality. The schemes aim to bring

victims and offenders into contact with each other with the aim of achieving a degree of understanding, apology and if possible restitution between them, rather than criminal sanctions.


A protocol, setting out the standards which CBRJ schemes must attain to receive referrals from the CJS was published in February 2007. Four schemes have already received accreditation and twelve others are currently in the process of seeking accreditation. Draft guidelines, agreed by CJAs were issued for consultation which concluded in March 2006 and were subject to Ministerial consideration and decision making.

Recommendation 7

PSNI and VSNI should undertake a joint review of the workings of the referral system based on existing protocols and the ACPO – Victim Support Victim Referral Agreement to ensure adequate information is exchanged, performance measures are set, communicated and monitored to ensure that a consistent service is delivered to victims in compliance with agreements particularly in relation to timeliness of referrals (paragraph 3.13).

Status: Achieved (in respect of review of referral system)

A protocol between PSNI and VSNI has still to be formalised and work is on-going between both organisations. A review of the victim referral system was undertaken by PSNI and VSNI between May 2006 and March 2007. The initiation of the referral system now occurs when an Officer in response to an incident completes a



nine-page form part of which requires the Officer to explain the service VSNI can provide for a victim which they can accept or decline. From April 2007, victim information (with the exception of cases involving homicide, domestic violence and sexual offences) is downloaded from entries on the PSNI NICHE system. The information which details name, address, age, contact numbers, ethnicity, case references and appropriate police district are transferred on Tuesdays and Fridays each week to VSNI.

In general VSNI are now able to make initial contact with victims more promptly rather than the average two to five week period under the old system. The new system also makes it easier for the victim to refuse the service. Monitoring is being undertaken by both organisations to ensure that further improvements can be made.

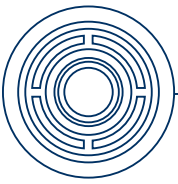
Through use of the monitoring system VSNI have expressed concern over the completeness of referrals being made because the referral numbers have dropped. Being aware of the fall in reported crime in Northern Ireland they are currently reviewing with PSNI the information to identify other reasons for the downward trends. The accurate completion of the police incident form, the offer of victim support at the time of the crime, the rate of victim decline of the service by police district and the categorisation of incidents (for example, NICHE recording incidents as domestic incidents and not differentiating between domestic violence and domestic incident) are all factors being kept under review.

Recommendation 8

The Criminal Justice Board should evaluate the effectiveness of the working of Special Measures for vulnerable and intimidated witnesses (paragraph 4.26).

Status: Not Achieved

The lack of progress with this recommendation is unacceptable. The July 2007 action plan in response to the July 2005 recommendation states “*there is insufficient data currently to produce a statistically significant evaluation of the working of special measures provisions. It is proposed to establish an initial baseline through survey findings (see Recommendation 5)*” While this may be true it indicates very little priority has been attached to one of the key recommendations of the report. Based on responses this would in fact mean that following a pilot survey sometime in 2008-09 a limited evaluation of special measures may be possible thereafter. Inspectors found no central evaluation has been attempted. The NICtS have been collecting data through their Integrated Court Operation System (ICOS) since October 2006. Inspectors found that a new sub group of the VVIW, which was discussed at the time of the inspection in January 2005 to be known as the Special Measures Evaluation sub group had not been established. As mentioned in paragraph 4.25 of the 2005 inspection report, the work of such a group could have addressed this recommendation.



Recommendation 9

The Board should commission a review of both the NIPS and the PBNI information schemes to assess the need and marketing of both and identify any duplication, availability of management information and consider the effectiveness of the schemes in terms of the victim's desire for the "one stop shop seamless service" (paragraph 8.14).

Status: Achieved

Each scheme has undergone separate internal evaluations which have been referred to the CJB. There are some issues to be resolved concerning the exchange of victim information between the CJAs that could contravene the Data Protection Act.

While there is liaison between the staff operating the PBNI Victim Information Scheme (PBNI VIS) and the NIPS Prisoner Release Victim Information Scheme (PRVIS) the two schemes have been developed separately from their inception. The NIPS scheme started in July 2003 and the PBNI scheme commenced two years later in October 2005. Evaluations have been undertaken of both schemes confirming separate services to satisfy distinct victim needs and minimise any duplication. The NIPS scheme is mainly concerned with information regarding the release of a prisoner. Until March 2006 the PBNI scheme offered a service to victims whose case had resulted in a Custody Probation Order. However from April 2006 the scheme widened to include information to victims in relation to all Probation Supervised Sentences.

The PBNI evaluation Executive Summary states that "Overall there has been an encouraging voluntary registration with the scheme. 217 individual victims received a service from PBNI VIS (October 2005 – June 2007). This included approximately, 682 contacts with victims, the majority by telephone or in face to face meetings." The take up of the scheme is mainly dependent on a victim's response to the PBNI VIS leaflet which is forwarded by PSNI on PBNI behalf. PBNI have identified their need to have access to victim details so they can have direct contact to market their VIS.

As of September 2007 the NIPS PRVIS had 304 victims registered since it began in 2003. Any request for information through PRVIS is validated with the PSNI prior to response to ensure the right person is getting the right information. In November 2007 the Criminal Justice Minister Paul Goggins MP launched a consultation document "*The Mentally Disordered Offenders Victim Information Scheme*" to provide a platform for victims who have been affected by offences committed by mentally disordered offenders. Under the scheme information will be made available to victims regarding the discharge or temporary leave of absence of mentally disordered offenders. It is intended the scheme will be voluntary and victims would only be contacted if they expressed a desire to be informed and it will complement the Prisoner Release Victim Information Scheme already in place.

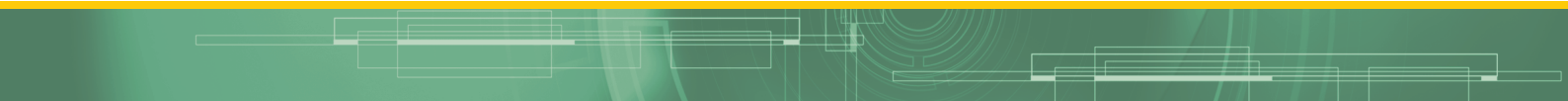
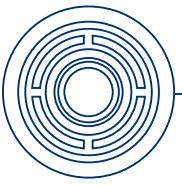


Recommendation 10

The NICtS, DPP/PPS and PSNI should examine the technical opportunities which may now be available to update victims and witnesses about developments in their case including whether they need to attend court, the date, time and venue where the offence will be listed, and the eventual outcome of the hearing (paragraph 5.8).

Status: Not Achieved

Inspectors found limited progress at this stage. They were advised that proposals to advance this area have been included within the five year Victim and Witness Strategy. While no specific timescale has been detailed the issue will be considered within the development of the Causeway System and feature in a future year's plan under "Objective 1 – Access to Information".



CHAPTER 3:

Other Recommendations: Development of Strategies, Policies and Plans

Recommendation a

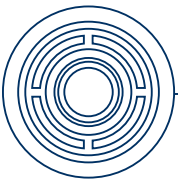
The CJB should ensure that the victim is accorded a status within the CJS to ensure that justice is equally dispensed to them as well as the accused (paragraph 2.7).

Status: Not Achieved

Inspectors found that a significant amount of work has been undertaken including the setting of a specific victim and witness Key Performance Indicator (KPI) which is linked to the Justice for All Public Service Agreement (PSA) target, strategy development, victim and witness policy development, roll-out of witness services and the development of the interactive victim and witness walk through modules on the CJSNI website. Further work is planned which should help facilitate the implementation of this recommendation. This should be controlled through the roll out of the strategy over the five year plan period. All agencies now have a victims policy in place which recognises the importance of the victim in the criminal

justice process. There is also an acknowledgement that agencies “are beginning to realise they have responsibility for victims, but there is concern that despite the existence of policies, implementation of practices within the system is another thing”.

Inspectors found that the ‘Code of Practice – Victims of Crime’ which was issued in 1988 has still not been updated to reflect modern approaches and changes that are already in place. Inspectors were advised that plans to update the Northern Ireland code of practice have been targeted for priority development within the new strategy. The VVIW group will consider best practice developed in other jurisdictions, including the introduction of a statutory code in England and Wales.



Recommendation b

The VVIW should continue to build on plans to control policy development in relation to victims and witnesses with appropriate objectives, targets and performance measures. The current status, ownership, commitment and co-ordination of all policy development should be evaluated and mechanisms established to deliver a joined-up approach to policy making. Agencies need to be more involved in policy development and decision making (paragraph 10.18).

Status: Achieved

Government initiatives, linkages to PSA targets, the development and launch of the Victims and Witness Strategy, the clarity of relationship between the CJB and the VVIW (and sub groups) and the review of membership of the VVIW have provided an adequate framework to control policy development.

Inspectors found there are still some issues that the VVIW need to consider such as encouraging more collective ownership of policy by making best use of expertise and skills within the group, the capacity for organisational decision making, and the commitment of each agency's resource. In addition it would be helpful to review and clearly establish membership of the VVIW as distinct from those who report to it. This has resulted in some confusion in terms of the NIO resource within the group.

Recommendation c

The CJB should evaluate the contribution of the VVIW Steering Group and its sub-group structure to consider:

- ***relevance of the Group's terms of reference;***
- ***accountability arrangements for policy development and implementation;***
- ***appropriateness of the Group's composition;***
- ***linkages to strategic objectives and development of performance measures; and***
- ***transparency of work processes to enhance public confidence (paragraph 10.20).***

Status: Achieved

See comments at Recommendation b. The CJB reviewed the VVIW terms of reference and composition in April 2006. A new Key Performance Indicator (linked to PSA targets) has been established which will promote accountability within the CJS with effect from April 2008. In addition the dedicated victim and witness walk through modules on the Criminal Justice System Northern Ireland website have helped increase the transparency of the system for people who can access the internet. It is important that the public are made aware of the development work being undertaken by the VVIW through the annual plans of the five year Victim and Witness Strategy.

Recommendation d

The PSNI needs to develop an organisational Victims and Witnesses Policy with consistent standards to determine procedures and control the quality of PSNI service delivery which also needs to be transparent to help manage public expectations (paragraph 4.13).

Status: Achieved

The PSNI Victims and Witness Policy was published in May 2006.

Recommendation e

The PSNI Human Resource strategy should be reviewed in terms of the adequacy of numbers, need organisation, skills and experience level, and plans developed to address any resource or skills gap to ensure that adequate resource is available to deliver an effective and professional police service to victims and witnesses (paragraphs 4.4 and 4.11).

Status: Achieved

Inspectors found the re-organisation of the PSNI structure from 29 to eight DCUs has resulted in a review of human resource needs at each district level linked to local priorities. In addition the staffing of new Public Protection Units (PPUs) will enhance skills and experience available to existing officers who are trained in joint protocol measures and Achieving Best Evidence (ABE) interview processes. Developments are being administered through a training needs analysis in the DCU command structure.

General Order 12/06 (Victims and Witness Policy) was circulated by e-mail to all Officers and PSNI support staff in March 2006. Some vulnerable victim overview training, student officer training, and training on joint investigation protocols have been delivered. Plans have also been made to tender for specialist training for officers dealing with vulnerable victims and witnesses.

Recommendation f

All agencies should have appropriate Victims and Witnesses Policies in place to co-ordinate progress towards a seamless service. These policies should undergo equality impact assessment and be communicated to staff with overview training (paragraph 4.28).

Status: Achieved

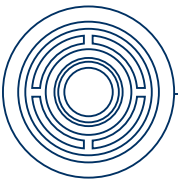
This recommendation has been implemented in terms of the main agencies now having Victims and Witness policies but further work is required regarding equality impact assessments and overview training across the CJS.

Recommendation g

The NICtS should develop a Victims and Witnesses Policy that identifies linkages to the work they undertake, the facilities they provide and the reliance placed on their partners to develop good customer care (paragraph 5.6).

Status: Achieved

This was achieved in March 2006.



Recommendation h

The NSPCC should become a member of the VVIW (paragraph 7.14).

Status: Achieved

This was achieved in January 2006 when the NSPCC was invited to join the VVIW to represent the interests and needs of young victims and witnesses.

CHAPTER 4:

Other Recommendations: Effective Communication

Recommendation a

All agencies should review and develop their mechanisms to ensure that they can demonstrate active listening to victims, witnesses, support groups, their own staff and the public's perceptions to ensure an effective change programme is developed that will set standards to enhance service delivery through effective communication, monitoring and management (paragraph 2.22).

Status: Achieved

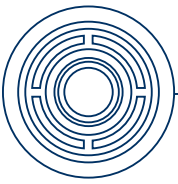
Inspectors found that work undertaken by the VVIW in developing the Victims and Witness Strategy has helped to focus and shape the annual plans that will influence and structure the change programme. The plans will set SMART objectives and targets for three areas which have a direct link to this recommendation - Quality of Service; Support to Victims and Witnesses and Listening to Victims and Witnesses. One example for 2008-09 is the planned implementation of WAVES (customer satisfaction survey) which will set a baseline from which customers views on improvements can be measured.

Recommendation b

PSNI and VSNI should review the information sent to victims to ensure diversity issues are adequately provided for in both letters and public information leaflets (paragraph 3.21).

Status: Not Achieved

Inspectors found that the PSNI is planning to review information forwarded to victims to conclude their review of the VSNI referral system. PSNI already have access to excellent interpreter facilities and have developed some of their key communication leaflets into various languages. VSNI are planning to review all written information supplied to victims and witnesses as part of their communication strategy which is scheduled to be completed in 2008. Inspectors were advised that equality and diversity issues are now a wider issue for all agencies. The need and role of interpreters has become a complex issue, requiring further work and the VVIW has established a sub-group to take matters forward.



Recommendation c

PSNI should develop an improved contact system with victims and witness to facilitate appropriate information to be more proactively shared in relation to case management and progress (paragraph 4.2).

Status: Achieved

The PSNI Victim and Witness policy and procedures have been developed and published in May 2006. Responsibilities for contact with victims are outlined within the policy including highlighting the role of the Investigating Officer as being important in keeping the victim appropriately informed.

Recommendation d

The PPS should develop enhanced communication with witnesses, defence counsel, PSNI and the Witness Service to ensure that plans for hearings and trials are made with due regard to the need to avoid unnecessary stress for those victims who will appear as witnesses (paragraph 4.21).

Status: Achieved

The development of the PPS Victim and Witness Policy which was launched on the 28th March 2007 facilitated a more transparent communication channel with other key stakeholders within the CJS. Policy awareness training for staff is planned to be completed by March 2008. In addition, the interactive Victim and Witness walkthrough modules on the CJSNI website communicate clearly the prosecution processes to help inform and manage expectations. The role of the PPS

Community Liaison Teams (CLTs) has proved very valuable in aiding effective communication in Magistrate Court cases. Operational problems including information about witness availability can still present issues for the PPS in co-ordinating hearings and trials with partners and the public.

Recommendation e

The PPS needs to identify measures to maximise continuity of prosecutors and their knowledge of cases, to minimise duplication with PSNI and victims and witnesses (paragraph 4.19).

Status: Achieved

This matter has been taken forward by the PPS Senior Management. Measures to maximise the continuity of prosecutors were considered in the context of the PPS development of an overall strategy in relation to the retention and briefing of counsel. The need to use the same prosecutor was reinforced through senior management directions.



Recommendation f

The PPS should consult more effectively with victims, witnesses and police about the range of options available for a case if it goes to Court. Subject to the constraints noted in the Code for Prosecutors wherever possible reasons should be given for any decision not to prosecute a case (paragraph 4.18).

Status: Achieved

See comments at Recommendation d. A specific section has now been included on the revised police file format to highlight information relevant to the identification of a vulnerable or intimidated witness. In addition CLTs now make further enquires as to whether a witness has any apprehensions or concerns or if there would be any particular facilities which should be made available to them, if the case goes to Court.

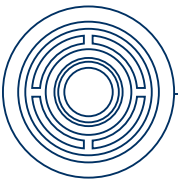
The decision making procedure is set out in the Code for Prosecutors published in June 2005. The issue of giving reasons for non prosecution is under review by PPS senior management. Inspectors were advised that when the policy is settled, this will be explained in the public document, the revised PPS Code for Prosecutors.

Recommendation g

The PPS and PSNI need to review the information needs of the YWS and the CWS in terms of quality and timeliness (paragraph 4.33).

Status: Not Achieved

A sub-group known as the Witness Service Sub-Group was established to monitor these issues with representation from NSPCC, VSNI, PSNI and PPS. As responsibility has passed to the PPS for the prosecution of all cases, it has been agreed that the PPS will take responsibility for making referrals to both witness services. They will implement an 'opting out' process for obtaining consent which is currently one of the main difficulties to ensuring that referrals are being made to the witness services. It is estimated that electronic referrals will be made by the PPS in Magistrates and Youth Court cases in early 2008. Inspectors found in some cases the service is still being requested on the day of court which means some aspects of the service cannot be supplied.



Recommendation h

The CWS and YWS should co-ordinate with agencies in contested cases to facilitate “witness phasing” through use of modern facilities such as paging arrangements or mobile phones (paragraph 4.23).

Status: Not Achieved

Inspectors were advised that this issue now needs to be considered in a wider context and will be proceeded with as part of the strategy development. With the future roll out of witness services possibly to include defence witnesses, the challenge for the CJS will be where people will be waiting before giving evidence. Extensions of remote links and video evidence will need to be considered as well as the use of other arrangements.

Related to this recommendation Inspectors found that in December 2005, a waiting times pilot project commenced at Laganside, Ards, Downpatrick and Bangor Magistrates’ Courts. The pilot operated on the basis that contested hearings would not commence before midday. The NICtS consulted with prosecution agencies and legal representatives to advise them that witnesses would not be required at court before midday. An evaluation of the pilot found that the listing of contested cases at midday did result in a reduction in waiting times for defendants and witnesses on the day of hearing. The report recommended that the pilot should be rolled out to all adult Magistrates’ courts and youth courts.

Recommendation i

The NICtS should corporately develop a periodic “continuous improvement forum” to focus on feedback from victims and witnesses, voluntary bodies and partners as to the effectiveness of service delivery (paragraph 5.9).

Status: Achieved

Inspectors found that a forum known by the NICtS as the Victim’s Advisory Panel (VAP) which includes representatives from NSPCC and VSNI has been established which meets formally and informally several times per year. From a review of agendas and associated minutes, issues discussed have included:

- review of protocols;
- standards of accommodation;
- witness standards;
- updates on remote links;
- communication with court managers;
- information provided; and
- training issues.

Recommendation j

The Youth Conference Service should evaluate the pilots at Belfast and Omagh and ascertain from the Courts feedback on the reasons for the lower acceptance rate of conference plans in Belfast as it is important to manage the victim’s needs and expectations when using this process (paragraph 6.10).

Status: Achieved

Based on a review of management information action was taken which resulted in the original finding no longer being an issue.



Recommendation k

The VVIW and the statutory agencies should consider with NSPCC the issues reported within the 'In Their Own Words' report and devise an action plan to address the issues specifically raised through experiences in Northern Ireland (paragraph 7.23).

Status: Not Achieved

To be taken forward under the remit of the Special Measures Evaluation Sub Group when it is established.

Recommendation l

The Compensation Agency and PSNI should review procedures in terms of completeness, accuracy and timeliness of information exchange and develop a protocol which should have inbuilt reviews to monitor progress. The PSNI should consider building upon and formalising the approach initiated by the Agency (paragraph 8.3).

Status: Achieved

A review of current practice is being undertaken with a view to formulating a new joint protocol between both organisations. The PSNI consider the issues were more about individual cases rather than the transfer of information.

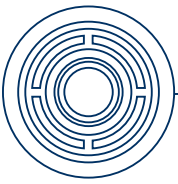
Recommendation m

PSNI needs to disseminate policies and procedures to all staff and develop a more meaningful outreach programme to the vulnerable victim and witness groupings particularly the ethnic minority community. This is necessary to improve working relationships with their partners and facilitate a greater confidence level with individual victims and witnesses (paragraph 9.16).

Status: Achieved

In March 2006 the PSNI implemented a Hate Incident Policy with the aim to ensure that the police provide an effective, proactive and robust response to the reporting of hate crime.





Recommendation n

The work of the VVIW should be communicated to all users on a regular basis and be in the public domain. For example, achievements to date (good messages) need to be more widely promoted and plans to develop services (future good messages) need to be more positively communicated to educate and enhance confidence levels (paragraph 10.22).

Status: Not Achieved

VVIW members are aware of the benefits in widely communicating the work of the multi-agency group and the work of their individual organisations, and are keen to promote what they are doing at every available opportunity. Efforts have been made to raise its profile but there is an appreciation that more can be done. Good recent examples have included the launch of the victim and witness strategy, which highlighted the introduction of two of its most recently developed initiatives: the roll out of the Witness Service and the development of victim and witness walkthrough websites in September, which obtained much media profile across television, regional radio and newspaper reporting. It is important to identify other more direct methods.

Recommendation o

PSNI, DPP/PPS and NICtS should ensure there is a clear inter-agency case management trail to demonstrate that victims' and witnesses' needs are to the forefront of case planning (as best practiced in some areas), especially when cases are being listed for hearing (paragraph 4.31).

Status: Not Achieved

The PSNI electronic investigation case file contains a specific section which facilitates officers updating any special needs and measures required by victims and witnesses.

The VVIW is currently considering the best practice issues relevant to this recommendation. The three agencies are currently working on the development of a joint protocol which in the first instance will relate to Magistrates Courts.

Inspectors found development in several areas including the introduction by the NICtS in April 2007 of a pilot of Case Progression Officers in three court districts: Armagh & South Down, Antrim and Belfast. While case listing and management remain within the overall control of the judiciary, Case Progression Officers are responsible for ensuring that all procedural matters in relation to cases are being progressed and that the court is kept informed of the status of cases. This includes addressing issues such as checking availability of witnesses and arrangements for special measures, disclosure applications and orders, technology and ensuring interpreter facilities are available. Inspectors were also advised that the next phase of Causeway would be helpful to provide enhancements for the updating and exchange of information.

CHAPTER 5:

Other Recommendations: Special Measures



Recommendation a

The awareness and promotion of special measures legislation and guidance is essential for both PPS and PSNI. Both organisations should develop a protocol to ensure there is an effective understanding of the victim or witnesses needs and desires which can be considered within the statutory authority (paragraph 4.30).

Status: Achieved

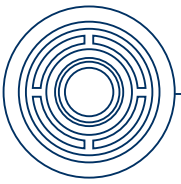
The PPS and PSNI have highlighted within their policies and joint protocols the importance of considering the needs for special measures from an early stage to ensure witnesses can feel content to give their best evidence. The PSNI circulated to all officers and support staff in March 2006 General Order 12/06 “*Vulnerable and Intimidated Witnesses - Implementation of Criminal Evidence (NI) Order 1999 and Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults*”. Joint training by PPS and PSNI is being considered to heighten awareness of special measures within both organisations.

Recommendation b

The Special Measures Evaluation Sub-Group should be established promptly. The work of the group could include reviewing the level of awareness of special measures, knowledge of the procedures to follow, the importance of discussion with victims and witnesses as to their needs, the timeliness of applications and the awareness training provided for staff and others (paragraph 4.25).

Status: Not Achieved

Inspectors were advised that this sub group would be convened once VVIW is in a position to carry out the review of special measures. It is hoped to include this in the next strategy plan for 2008-09.



Recommendation c

The NICtS should record special measures information centrally, by court venue to include the number of special measures applications made, source of application, category of case, type of special measure being granted, and other outcomes of the application. This information would be useful to facilitate decision making, demonstrate publicly the workings of the legislation and enhance public confidence (paragraph 4.26).

Status: Achieved

Information in relation to special measures has been collected through the NICtS ICOS system since October 2006. However there is a need to consider wider issues. At present information is only gathered in relation to people who apply for special measures. A more joined up mechanism should be considered in terms of people who declined special measures, people who did not know they could apply for special measures and feedback on the use of special measures through future WAVE surveys.

Recommendation d

NICtS should ensure that facilities in courthouses supplied to victims and witnesses and their supporting bodies are appropriate to their needs and provide a comfortable and safe environment (paragraph 5.11).

Status: Achieved

The NICtS have invested in providing facilities (subject to the limitations of some buildings) that meet victim and witness needs. Inspectors were advised that there were good examples of inter-agency working particularly where specific needs had been identified in cases. The NICtS will address accommodation issues through their review of accommodation and their minimum facility standards contained within the Customer Services Strategy.

CHAPTER 6:

Conclusion

The majority of recommendations made have been achieved. The July 2005 report made a total of 37 recommendations. Based on the evidence submitted, interviews with key stakeholders and other research Inspectors have established that 25 of the recommendations have been achieved. The remaining 12 have not yet been satisfactorily achieved.

Key achievements to date have been:

- a Victim and Witness Strategy is now in place;
- a PSA target link in relation to Victims and Witness service delivery has been set for the first time;
- all agencies now have Victim and Witness policies; and
- the Witness Services for adults previously only available in the Crown Courts is now rolled out to Magistrates' Courts and the Young Witness Service is now being piloted in Magistrates and Youth Courts.

The Criminal Justice Minister Paul Goggins on launching the strategy stated "*Victims and witnesses play a vital role in the criminal justice system – without them justice would not*

be done. The Government is committed to providing the critical support they need. For every crime someone pays a price, either in emotional, physical or financial terms. We have listened to what victims and witnesses say they need and this strategy demonstrates our commitment to improve the support that is available. Through this strategy – which has the full support of everyone in the criminal justice system – we will be creating new and innovative ways to help both victims and witnesses cope with their experiences and enable them to start rebuilding their lives. This will include practical measures to support witnesses when they need to give evidence in court."

It is important that the work of the VVIW is acknowledged and that they are supported and resourced with strong leadership to deliver the remaining recommendations. The change programme on-going within the CJS will also deliver other challenges in areas impacting on victims and witnesses. CJI will be requesting regular updates from the CJB and keeping a close interest in the development of annual plans from the Victims and Witness Strategy and be monitoring progress to determine future plans for inspection activities.



Copyright© Criminal Justice Inspection Ireland
All rights reserved

First published in Northern Ireland in March 2008 by
CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
14 Great Victoria Street
Belfast BT2 7BA
www.cjini.org

Typeset in Gill Sans
Designed by Page Setup