

A decade of delivery - 10 years on from the establishment of CJI

Ten years after Criminal Justice Inspection Northern Ireland (CJI) was established as a result of recommendations contained within the Criminal Justice Review, the Inspectorate continues its work to ensure there is a better justice system for all in Northern Ireland.

CJI is still the only unified inspectorate operating within the United Kingdom or Republic of Ireland and its unique position has enabled the organisation to develop a strategic/holistic view of the criminal justice sector.

“Over the last 10 years CJI has succeeded in demystifying the criminal justice system by ensuring our inspection reports have relevance to the public and not just the purist or criminal justice practitioner,” said Chief Inspector Brendan McGuigan.

“The inspections CJI has identified and carried out over this time have been relevant, topical and meaningful and we have endeavored throughout our work, to maintain a focus on

inspecting for improvement and as a tool to aid rather than hinder organisational development.”

Mr McGuigan said the organisation had also worked to ensure all inspection recommendations were designed to deliver meaningful change and be of practical benefit.

“CJI has never been in the business of making recommendations for their own sake - and in the last two and a half years we have demonstrated our ability to change and develop our own working practices by focusing on making a smaller number of recommendations, which would support the delivery of strategic and transformational change,” said the Chief Inspector.

Mr McGuigan said during the last decade, CJI had developed a greater knowledge of the strengths which exist within the criminal justice agencies and collectively within the system as a whole.

“The Inspectorate has always advocated the benefits of partnership working between criminal justice agencies, voluntary and community sector bodies, opinion formers and



stakeholders with an interest in criminal justice matters.

“This remains one of the core tenets of how the organisation continues to work today and we have witnessed what can be achieved by this type of collaborative working through the development of Northern Ireland’s public protection arrangements and the approach to offender management.” he added.

“CJI is also unapologetic in having maintained a relentless focus on the treatment of victims and witnesses, who are the real users of the criminal justice system. The prominence of their role is now recognised and we can see real improvements in how the criminal justice organisations are operating in partnership, to deal sensitively and effectively with the needs of victims and witnesses,” said Mr McGuigan.

continued on page 4

Police use of discretion incorporating penalty notices

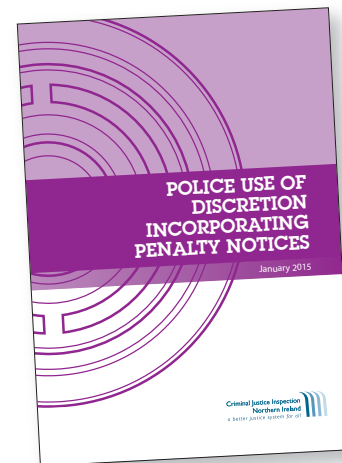
On 28 January 2015 CJI published a report into the police use of discretion incorporating penalty notices. This inspection examined the use of discretion and other alternatives to prosecution to deliver a proportionate and swift response to minor offending without referring matters to the Public Prosecution Service for Northern Ireland (PPS) or the Northern Ireland Courts and Tribunals Service (NICTS).

Discretion is commonplace in many jurisdictions, and when used judiciously is viewed as a valuable extension to the formal criminal justice system assisting in the delivery of faster, fairer justice for victims and offenders while freeing the courts to focus on more serious matters.

The inspection found that since discretionary disposals were introduced in 2010, higher numbers of low-level offences have been dealt with by this route than anticipated. However, governance and quality assurance was inconsistent resulting in a small number of unsuitable cases being dealt with by discretion. These instances may indicate some legacy from the previous system of management applied to the use of discretion impacting on the decision-making of issuing officers. It is therefore imperative the Police Service of

Northern Ireland (PSNI) works to ensure individual officers throughout Northern Ireland apply discretion in an equitable, consistent manner in keeping with the ethos and parameters of the initiative.

In order to minimise the risk of discretion being used inappropriately, Inspectors made one strategic recommendation; that the PSNI together with the PPS, should review the governance and management of all non-PPS disposals which includes improvements in its governance and quality assurance arrangements. To support officers' decision-making, Inspectors recommended that clearer guidance should be developed in partnership with the PPS to ensure discretion is applied as consistently as possible.



Inspectors also recommended that there is a need for the PSNI to exercise closer supervision over officers where discretionary disposals or penalty notices for disorder are considered for use.

The appropriate use of discretion can give offenders, particularly children and young people, an alternative to premature criminalisation. Inappropriate use of discretion has the potential to alienate victims, and encourage further offending thus bringing the criminal justice process and respect for the law into question. ■

Inspector takes part in secondment

Following work conducted by CJI concentrating on the Environmental Crime Unit (ECU) of the Northern Ireland Environment Agency (NIEA), a request was made for lead Inspector, Derek Williamson, to undertake a secondment to the Unit.

The report looking into the Environment Agency recognises the strategic importance of the robust enforcement of environmental law given the clear connections between serious environmental offending and organised crime. Inspectors make a series of strategic and operational recommendations aimed at improving the efficiency and effectiveness of the ECU. The report is due for publication mid-May.

The Chief Inspector of Criminal Justice consequently agreed to the staff secondment in recognition of the broad importance of protecting the environment.

Mr McGuigan said: "I am delighted that CJI has been able to facilitate this development opportunity for Derek. I believe it will provide him with a new challenge and the experience of having worked within a Government regulatory

and enforcement agency".

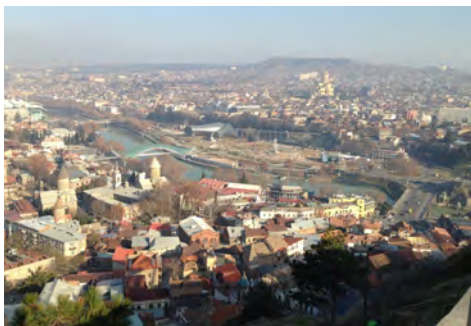
Derek Williamson took up the position of Head of Environmental Crime with NIEA with effect from 1 May 2015. The secondment will last for a period of six months.



Derek commented "I am looking forward to working with the ECU to help further develop its existing expertise and, as a result, ensure that the impact of environmental crime on society is minimised." ■

Inspector visits Georgia advising on correctional facilities

In January 2015, CJI's Inspector Bill Priestley visited Tbilisi in Georgia at the invitation of the Council of Europe to advise on best practices and international standards in providing oversight of prisons and other closed institutions. The two-day visit took place at the Ministry of Corrections premises in Tbilisi, supported by senior project officer, Nino Gobronidze from the Council of Europe.



Georgia is situated in the Caucasus region of Eurasia, bounded by the Black Sea, Russia, Turkey, Armenia, and to the southeast by Azerbaijan. It has a population of just fewer than five million people, and is a member of the Council of Europe.

It contains two regions, Abkhazia and South Ossetia, which gained limited international recognition of independence after the 2008 Russo-Georgian War. Georgia and most of the international community consider the regions to be part of Georgia's sovereign territory under Russian military occupation.

On the first day of the visit Bill delivered a series of presentations to over 30 senior officials from the Human Rights Unit, Legal Department, International Department, General Inspection and Internal Inspection of the Ministry of Corrections. Following presentations on European standards and a range of practices from the UK, Ireland and other European countries, senior officials from the Ministry of Corrections presented the Georgian context, proposals and aspirations to provide a system of inspection aimed at protecting the rule of law and upholding human rights in prisons and other closed institutions in Georgia.

The second day consisted of a series of round table discussions and group work focused on adapting the Georgian proposals for an inspection regime to reflect international best practice and compliance with European standards. This included prolonged discussions on the mandate and functions of various elements of the proposed inspectorate.

The Deputy Head of the Ministry of Corrections thanked Bill and the Council of Europe project lead, Nino Gobronidze for the presentations and asked for a short report on the two-days work to be provided to assist with finalising inspection structures and the adoption of inspection frameworks. ■

CJI reports on PCSPs

The recent inspection of Policing and Community Safety Partnerships (PCSPs) concluded that PCSPs have delivered successful projects and events at a local level, although more reliable performance metrics would greatly improve the assessment of their overall impact.

The evaluation of individual projects and the work of PCSPs as a whole suffered from a lack of measureable indicators to signpost improvement. There is a need to develop a baseline measure against which projects can be assessed. Creating true partnership working with statutory agencies and the police ran into problems where the emphasis was on low level accountability and measurement of activity, rather than working towards shared outcomes.



The inspection found that individual members of PCSPs usually had a public profile arising from their community or representative work, but public awareness of PCSPs and their role was weak. There were opportunities to improve the confidence in and awareness of PCSPs that would assist them in delivering real change to community safety and community policing.

Looking forward the implementation of local government reform offered the potential to simplify the governance arrangements with an increased role for the local councils. Although there is still no statutory basis for co-operation between the PCSPs and statutory partners, the development of community plans provides a platform for integrated planning, sharing resources and improved delivery. The PCSPs will receive more than £20 million over the next four years and CJI recommended that at least 80% of their funding go to front line services. ■

Working relationships

Reflecting on CJI's working relationships, Mr McGuigan said he believed CJI had developed positive linkages with other inspection and oversight bodies within Northern Ireland, Great Britain, the Republic of Ireland and further afield.

"I am pleased to have been with the organisation when the devolution of justice matters occurred in April 2010 and been in a position to develop a constructive relationship with a locally accountable Minister of Justice and members of the Committee for Justice who have been supportive of CJI's work from the outset.

"Our relationships with our inspected bodies has also developed to a position where we are regarded as a critical friend," he said.

Strong team

The Chief Inspector said he believed the strong, stable team of inspection and support staff working within CJI was central to the organisation's success.

"Since its establishment CJI has benefitted from having a core team involved in the delivery of its inspection programme. The wide breadth of knowledge and practical experience of managing people and



Visiting delegates from Bahrain meet with Chief Inspector Brendan McGuigan (centre) and Inspectors David MacAnulty (second from left) and William Priestley (second right).



CJI becomes the first UK-based justice inspectorate to receive ISO 9001:2008 certification.

organisations have been key to the successful delivery of the inspection programme.

"When this is combined with a shared ethos and vision and a

willingness to embrace change and the opportunities and challenges it presents, I believe the organisation has been well placed to mature and develop over the past 10 years.

"The consistent application of a transparent approach to its work and the standards it has employed when conducting inspections had also been key."

Mr McGuigan also paid tribute to the dedicated work and leadership shown by CJI's former Chief Inspectors Kit Chivers in founding the organisation and laying the building blocks for the future and its further professional development under Dr Michael Maguire, including the introduction/achievement of CJI's ISO 9001:2008 accreditation.



Some of the CJI staff who joined the organisation at its outset in 2004.



Former NIO Justice Minister Maria Eagle pictured on a visit to CJI with Chief Inspector Kit Chivers and Deputy Chief Inspector Brendan McGuigan.



Justice Minister David Ford MLA gives the keynote address at the 2011 CJI Stakeholder Conference.



The Rt. Hon Baroness Scotland, Attorney General addresses the 2008 CJI Stakeholder conference on the challenges and opportunities of devolution.



Kyrgyzstan visitor with Deputy Chief Inspector James Corrigan during a group visit to CJI in December 2012 looking at civilian oversight and police reform.

The Inspectorate has also indicated that it will continue to explore the wider societal issues which often leave the criminal justice system dealing with the failures of social justice and advocating a strategic, holistic view which supports the development of early interventions. ■

The future

As CJI moves forward, Mr McGuigan said CJI would strive to deliver a high quality service while taking into account the realities of a contracting financial environment.

“We will continue to protect the standard and value of our inspection reports in the coming years and focus on how CJI can best support the criminal justice agencies to ensure they continue to deliver their core activities in a way which is meaningful, meets the needs of the citizens of Northern Ireland and removes wasteful and unnecessary bureaucracy and activities,” said the Chief Inspector.



CJI former Chief Inspector Dr Michael Maguire hosts a meeting of the Heads of Inspectorates Forum at Hillsborough Castle in June 2009. Also pictured are former NIO Criminal Justice minister Paul Goggins, MP and guest speaker Michael O’Higgins, former chairman of the Audit Commission.

Monitoring places of detention annual report review

The fifth Annual Report of the UK's national mechanism for the prevention of torture and ill-treatment in detention, the National Preventive Mechanism, (NPM), was published on 4 December 2014, giving an overview of its work monitoring detention in prisons, police custody, court cells, customs custody facilities, children's secure accommodation, immigration, military and mental health facilities.

CJI is one of 20 independent bodies which make up the NPM who have powers to regularly inspect all places of detention. Being part of the NPM brings into CJI's remit the clear purpose of preventing ill-treatment of anyone deprived of their liberty. CJI's work therefore in respect of prisons, police custody, court custody and the Juvenile Justice Centre contributes to this prevention role.

2013-14 was a challenging year for many of the bodies monitored by the NPM.

Increased demand and reduced resources created pressures that sometimes contributed to the poor treatment of detainees in a number of settings. Over the year, the NPM has brought its collective effort to examining cross-cutting themes that affect most, if not all, forms of detention. These include practices regarding restraint and individuals/organisations that co-operate with a NPM in the course of its work must be free from sanctions or prejudice for doing so.

The year ahead will see NPM members work on the issue of solitary confinement and isolation. Across detention settings in the UK, detainees are physically isolated for disciplinary, administrative and other reasons linked to regimes. Some practices in the UK may amount to solitary confinement. However any measures that isolate detainees should only be used for the shortest possible time, when strictly necessary, and be the subject of close supervision.

The NPM's Annual Report 'Monitoring Places of Detention' can be found on CJI's website. ■



Chief Inspector outlines importance of human rights on camera

In January 2015 Brendan McGuigan was one of three key stakeholders from the criminal justice system invited to provide a contribution to a short film commissioned by the Northern Ireland Policing Board on the importance of retaining a focus on human rights into how the police carry out their duties.

The film which was screened at the launch of the Board's Human Rights Annual Report in Belfast on 20 February was designed to act as a springboard to further discussion and looked at the four areas of openness and accountability; policing with and for children and young people; domestic abuse and hate crime.

The Chief Inspector's contribution focused on how well the current accountability structures we have deliver on human rights and the Policing Board's contribution in raising the profile of the human rights agenda in relation to accountability.

The discussion also highlighted in his view what more needed to be done to ensure human rights was at the core of the work of the PSNI.

Speaking about his participation in the short film and the launch of the Policing Board's Human Rights Annual Report, Mr McGuigan said: "In Northern Ireland we have world-class structures for delivering police accountability. It is critical that these

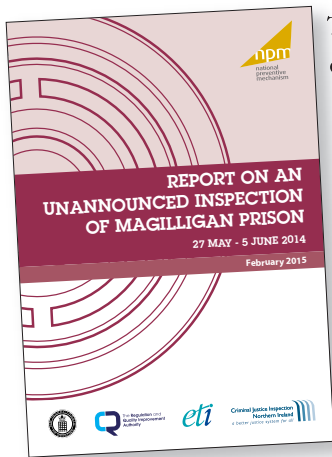


structures function effectively and when they do public confidence in policing rises.

"Look at the year-on-year rises in public confidence and the linkages between service delivery and effective accountability become clear. The Annual Human Rights Reports have become an important health check for police leadership in assessing their organisational performance and adherence to international standards in human rights and equality" Mr McGuigan concluded. ■

'More work needed at Magilligan Prison' declare Inspectorates

A CJI report published in February 2015 found that while Magilligan Prison has significant strengths, its performance had slipped since it was last inspected in 2010, and action is needed to prevent a further decline.



The inspection, carried out by CJI, Her Majesty's Inspectorate of Prisons, the Regulation and Quality Improvement Authority and the Education and Training

Inspectorate, found that good relationships between staff and prisoners existed and there were reasonable levels of safety at the prison.

Real progress was also found to have been made in terms of resettlement practice which was assessed as 'good', but there were concerns that the strengths identified at Magilligan could be undermined by a risk averse culture, insufficient purposeful activity for prisoners and an unwillingness to challenge poor behaviour.

Brendan McGuigan, Chief Inspector of Criminal Justice said: "There has been clear progress in some areas. Relationships between staff and prisoners were much better than elsewhere in Northern Ireland and we noted many good interactions between staff and prisoners. "Despite some gaps in the

Resettlement Strategy, prisoners had good access to a broad range of resettlement services which is crucial to ensure seamless transition into the community. The inspection also noted some excellent, joined-up offender management driven by both prison and probation staff."

Nick Hardwick, Her Majesty's Chief Inspector of Prisons said: "The atmosphere throughout the prison was relaxed and calm. Free flow movement was well managed and staff supervision on house blocks was effective. Mental health services had improved within the prison. Interventions to tackle substance misuse were comprehensive and appropriate, although waiting lists were long."

However there were concerns about some of the findings and the Chief Inspectors called for improvements. "This inspection found a degree of complacency about safety within the prison and a culture that was risk averse and, on occasions, an unwillingness to challenge poor behaviour. Levels of drug use were high and there were no disciplinary consequences for a positive drug test result" added Mr McGuigan.

The level of purposeful activity was also poor and nearly half



of the prison population were not participating in education, vocational training or work activities. While there was reasonable time out of cells for prisoners, it was unfortunate so many were not engaged in challenging work or participating in good quality education and training which would enhance their employability skills on release.

In conclusion, Brendan McGuigan said: "Rehabilitation needs prisoners to be challenged, to confront their offending behaviours, to gain skills that will help them find employment and stability on their release, so they break from the cycle of criminality, and the NIPS needs to drive forward innovative solutions to ensure those delivering services in education and training are providing effective and relevant programmes. The Prison Service cannot of course achieve effective rehabilitation in isolation, and there are opportunities for local employers and education and skills providers to assist. With greater efforts and contribution from a range of local providers alongside the efforts of the Prison Service, I believe more effective rehabilitation could be provided which would benefit all." ■

Chief Inspector engaging on new Corporate Plan and inspection themes

Brendan McGuigan, Chief Inspector of Criminal Justice in Northern Ireland, has been involved in a series of meetings with the heads of statutory criminal justice organisations, other oversight bodies and locally elected representatives to inform the preparation of a new Corporate Plan for 2015-18 and shape future inspection work.

CJI is also meeting with representatives of the voluntary and community sector as well as academia to discuss future inspection themes. These consultation workshops took place on 16 and 21 April 2015.

“CJI recognises the challenges facing the justice system as it seeks to meet public expectations whilst dealing with reduced public spending. The development of a new Corporate Plan, including the key themes for inspection is an opportunity to share and reflect a wide range of views around the future direction of the



justice system” said Brendan.

“Discussing our objectives and inspection plans with the Department of Justice and the Minister of Justice is always a benefit, and I look forward to publishing our Corporate Plan for 2015-18”, he said. ■

Students gain valuable experience at CJI

CJI is building its relationship with local universities and has recently welcomed Ulster University graduates into their offices at the Stormont Estate.

Ka Ka Tsang and Melissa Binks have been research interns with CJI since early February and have worked on a number of projects including research relating to prison recalls, hate crime, and police custody.

Both graduates attended Ulster University from September 2011, and graduated in July 2014 with a first class honours in BSc Criminology and Criminal Justice. They hope to widen their general criminal justice experience whilst at CJI, and their personal areas of interest include hate crime and sexual assault and violence.

Commenting on her internship at CJI, Ka Ka said “As a graduate, I was very

excited to work with CJI because of its esteemed reputation. All staff members have been so welcoming and helpful. I have thoroughly enjoyed the input and insight I’ve gained assisting the team here so far.”

Melissa added “As a student, I feel that the opportunity I have as an intern at CJI is both exciting and invaluable, providing me with an opportunity to gain an insight into a diverse range of criminal justice agencies and organisations. CJI have been very helpful and supportive which I feel has greatly enabled a balance of my commitments, particularly my university workload and volunteering with Inspectors.”

Ka Ka starts a Masters of Research in Social Research Methods at Queens University in September after which she hopes to apply and secure a PhD scholarship which will research current responses and service delivery



to hate crime victims. Melissa is currently studying a Masters degree - LLM in Criminology, at Queens University, and in anticipation of graduating in December 2015 hopes to pursue a PhD scholarship researching male survivors of sexual assault; predominantly adults.

All CJI staff wish both Ka Ka and Melissa the very best in their studies. ■