

**Improving the Provision of Care  
for Victims and Witnesses  
within the Criminal Justice System  
in Northern Ireland  
July 2005**

Criminal Justice Inspection  
Northern Ireland  
*A better justice system for all*





<b>Contents</b>	<b>Page</b>
<b>List of abbreviations</b>	<b>3</b>
<b>Chief Inspector's foreword</b>	<b>4</b>
<b>Executive summary</b>	<b>6</b>
<b>Key recommendations</b>	<b>7</b>
<b>Other recommendations</b>	<b>9</b>
1. Development of strategies, policies and plans	9
2. Effective communication	11
3. Special measures	13
 <b>Chapter 1 Introduction</b>	 <b>14</b>
<b>Chapter 2 Nature of the problem</b>	<b>16</b>
<b>Chapter 3 Crime reporting and victim referral</b>	<b>24</b>
<b>Chapter 4 Investigation and prosecution</b>	<b>32</b>
<b>Chapter 5 Appearance at court</b>	<b>40</b>
<b>Chapter 6 Conferencing and restorative justice</b>	<b>45</b>
<b>Chapter 7 Witness services</b>	<b>49</b>
<b>Chapter 8 Other victim services within the CJS</b>	<b>56</b>
<b>Chapter 9 Inter-agency cooperation</b>	<b>60</b>
<b>Chapter 10 Governance arrangements</b>	<b>66</b>
<b>Appendices</b>	<b>72</b>
1. Background: the historical context	73
2. Community restorative justice schemes	77
3. Participants in the Inspection	82
4. Inspection findings relevant to Criminal Justice Review	83
5. References	89
6. Inspection methodology	90

### **List of Abbreviations**

ACPO	Association of Chief Police Officers
CADD	Campaign Against Drink Driving
CARE	Child Abuse & Rape Enquiry
CLT	Community Liaison Team (within PPS)
CJB	Criminal Justice Board
CJD	Criminal Justice Department (within PSNI)
CJR	Criminal Justice Review
CJS	Criminal Justice System
CJI	Criminal Justice Inspection Northern Ireland
COSO	Coalition of Sexual Orientation
CRJI	Community Restorative Justice Ireland
CWS	Crown Court Witness Service (supplied by VSNI)
DCU	District Command Unit
DPP	Office of the Director of Public Prosecutions
EHSSB	Eastern Health & Social Services Board
FLO	Family Liaison Officer (within PSNI)
GFA	Good Friday Agreement
MCWS	Magistrates Court Witness Service (pilot at Belfast Magistrates' Courts)
PPS	Public Prosecution Service
NI	Northern Ireland
NIA	Northern Ireland Alternatives
NICtS	Northern Ireland Court Service
NIHE	Northern Ireland Housing Executive
NIO	Northern Ireland Office
NIPS	Northern Ireland Prison Service
NSPCC	National Society for the Prevention of Cruelty to Children
PACE	Police and Criminal Evidence
PEACE	<u>P</u> lan & <u>P</u> reparation; <u>E</u> ngage & <u>E</u> xplain; <u>A</u> ccount; <u>C</u> losure and <u>E</u> valuation
PBNI	Probation Board Northern Ireland
PPS	Public Prosecution Service
PSA	Public Service Agreement
PSNI	Police Service of Northern Ireland
RTSG	Road Trauma Support Group
RUC	Royal Ulster Constabulary
SLA	Service Level Agreement
VSNI	Victim Support Northern Ireland
VVIW	Victims, Vulnerable and Intimidated Witness Steering Group
YCS	Youth Conferencing Service
YDO	Youth Diversionary Officer (within PSNI)
YJA	Youth Justice Agency
YWS	Young Witness Service (supplied by NSPCC)

## **Chief Inspector's Foreword**

Victims and witnesses can be thought of as the 'customers' of the criminal justice system. In principle we are all its customers, because it is there to protect all of us. We are all potential victims, and we all have a duty to play our part as witnesses when the need arises.

Victims and witnesses therefore stand for all of us. They represent the ordinary citizen as customer of the criminal justice system.

Successive governments have sought to provide better treatment for victims and witnesses. But there has been a mismatch between the rising expectations of the public and the service which the criminal justice agencies have been able to deliver. There is also an increasing awareness of the enhanced services now available within other jurisdictions, particularly of recent developments in England and Wales.

The justice system is not friendly to its customers. It is an adversarial system, which makes the business of giving evidence stressful. Cases progress slowly, and despite best efforts their outcomes can be unpredictable, leading to disappointment sometimes. This makes it all the more important that the system should do what it can to make its customers feel valued and to ease the burden on them.

How well has the care of victims and witnesses - something which was not traditionally seen as an essential part of the criminal justice process - been taken on board by the agencies?

This thematic review shows that, though all the agencies have accepted their new responsibilities and there has been worthwhile progress in some areas, the success of the policy initiative has so far been patchy. Victims and witnesses still rank low in the order of priorities for some agencies, and there is insufficient ownership of the policy at senior levels.

A particular concern was the lack of success to date in relation to some of the most vulnerable groups in society. Even where, as in the case of the ethnic minority community, agencies believed that they had gone out of their way to be helpful, the perception on the ground was different. The initiatives undertaken had not had the desired effect of raising public confidence among these groups.

This report sets out a range of findings based on an extensive programme of interviews and discussion groups with interested parties, and makes recommendations for improvement of the services to both victims and witnesses. It recommends the setting up of a small central Victims and Witnesses Information Unit within one of the agencies and – unless the agencies can come up with a more effective way of delivering improvements - the appointment of a Criminal Victims Advocate for Northern Ireland.

One necessary note of explanation. This work was carried out in the first quarter of 2005. It is important to acknowledge that there has been progress since then. The Office of the Director of Public Prosecutions has now become the Public Prosecution Service of Northern Ireland. New ways of working for the Public Prosecution Service were being piloted at the time of the inspection, which will over the next 18 months be rolled out to the Service as a whole. While the improvements which were under way in the pilot areas are acknowledged, most of the observations in this report relate to the former DPP regime.

There has similarly been progress elsewhere. The responsibility for co-ordinating improvements rests with the Criminal Justice Board, and in particular with its Victims and Vulnerable and Intimidated Witnesses Sub-Group (VVIW). An Assistant Chief Constable has now been given a personal responsibility as inter-agency leader or 'champion' in relation to victims and witnesses.

The inspection was led by John Shanks, with assistance from CJI Inspectors, Inspectors from HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary, HM Inspectorate of Court Administration and the Head of Quality & Standards Department from the Victim Support National Office in London.

Inspectors gratefully acknowledge the help they received from the official agencies, from Victim Support Northern Ireland and other voluntary sector bodies, and also from the many individual victims and witnesses who freely gave their co-operation.

A handwritten signature in black ink, consisting of a series of fluid, connected strokes. The signature is written in a cursive style, with a prominent loop at the end.

**Kit Chivers**

Chief Inspector of Criminal Justice in Northern Ireland

## **Executive Summary & Recommendations**

The Criminal Justice System (CJS) in Northern Ireland continues to undergo a far-reaching programme of change, comprising the Patten Reforms of policing, implementation of the recommendations of the Criminal Justice Review, and other government initiatives. The pace of change is affecting the provision of care for victims and witnesses.

The policies and procedures of the CJS relevant to victims and witnesses are not well understood by the public. There is a perception – not entirely unfounded - that the CJS is driven more by the needs of the legal practitioners and the rights of the defendant than by those of victims and witnesses.

Each victim is unique in how they react to a crime against them. The impact it has on their emotional and physical needs and their perceptions of how best to deal with the event are highly individual. However, their views are not actively sought or properly assessed to determine service delivery appropriate to their needs.

Standards of service vary within and across agencies, often influenced by the level of autonomy within organisations, the degree of awareness of policies and procedures, the level of experience of staff delivering the service, and the geographical location.

It was not clear to what extent ownership and accountability for this work had been established either in individual agencies or collectively. There needs to be a greater appreciation that all the agencies share responsibility for victim and witness care.

While agencies are undertaking some good work on the ground and developing local initiatives there is a lack of a joined-up approach within and between agencies. There is confusion about the roles and responsibilities of front line service providers and about the working relationship with other agencies and voluntary sector bodies.

The role of the voluntary sector is vital and needs to be recognised for the added value it delivers. However, to maximise benefits there needs to be more effective relationships between the statutory and voluntary agencies, enhanced planning and co-ordination, and improved communication.

Relatively few victims and witnesses see their case go to court. Most, therefore, will only ever deal with the police. It is essential that the Victims and Witness Strategy for the CJS is reflected in Police Service of Northern Ireland (PSNI) policies to ensure that police officers are trained and resourced to deliver a professional service to victims and witnesses.

There is a lack of management information relating to victim and witnesses. Satisfaction levels need to be monitored at each stage of the process so that the agencies can manage the quality of service properly.

## Key Recommendations

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)
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 CJR 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)
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)
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)
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)
6. The Board should develop partnership arrangements with community based restorative justice 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)
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)



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

## **Other Recommendations**

### **I. Development of Strategies, Policies and Plans**

- (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)
- (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)
- (c) The CJB should evaluate the contribution of the VVIW Steering Group and its sub-group structure to consider:
  - relevance of the Groups term's of reference;
  - accountability arrangements for policy development and implementation;
  - appropriateness of the Group's composition;
  - linkages to strategic objectives and development of performance measures;
  - transparency of work processes to enhance public confidence. (paragraph 10.20)
- (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)
- (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)
- (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)

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

## **2. Effective Communication**

- (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)
- (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)
- (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)
- (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)
- (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)
- (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)
- (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)
- (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)
- (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)
- (j) The Youth Conferencing 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)

- (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)
- (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)
- (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)
- (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)
- (o) PSNI, DPP/PPS and NICtS should ensure there is a clear interagency 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)

### **3. Special Measures**

- (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)
- (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)
- (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)
- (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)

## Chapter I

### Introduction

- I.1 The background, historical and local context in relation to the provision of care for victims and witness is detailed in Appendix I, with particular reference to the Belfast Agreement of 1998 and the special provisions relating to the victims of the Troubles. Following the Belfast Agreement the Criminal Justice Review examined the subject of support for victims and witnesses and made 16 relevant recommendations, which are examined in Appendix 4. Lord Clyde, the Justice Oversight Commissioner has monitored the implementation of these recommendations and has reported on progress.
- I.2 To help focus the inspection the definitions of victims and witnesses were considered and agreed with the Inspection Steering Group as being:  
**Victim** - a person that suffers harm or wrong doing in relation to a crime that was committed (or alleged to have been committed);  
**Witness** - a person who has seen or can give first hand evidence of some event; a person who testifies in a court of law to events or facts within their own knowledge.
- I.3 The main fieldwork for this inspection was undertaken between January and March 2005 and was designed to look more closely at the subject by means of a cross-cutting inspection covering all the criminal justice agencies and non-statutory organisations primarily involved. The methodology used for the Inspection is set out at Appendix 6. The terms of reference were to:
- assess the effectiveness of the processes within the CJS to deliver a professional customer care service to both victims and witnesses;
  - inspect the services and provisions available to victims and witnesses within the CJS with particular reference to the needs of those involving domestic violence, sexual crimes, the elderly, people living with a disability, young people, children and hate crimes including race, homophobia and sectarianism;
  - consider recommendations to enhance confidence and participation within the overall CJS;
  - identify and assess the issues that prevent victims reporting a crime or that deter witnesses from coming forward.
- I.4 The purpose of the inspection was to:
- clarify the responsibilities and accountability of criminal justice agencies in relation to the provision of services to victims and witnesses;
  - comment upon the efficiency of 'joined up' working practices;

- identify and share best practice;
  - determine if services provided represent best value;
  - assess the level of satisfaction victims and witnesses have based on their experience of the services received.
- I.5 This report starts by describing the nature of the problem of victims and witnesses as it currently presents in Northern Ireland. It then follows the experiences of victims and witnesses through each of the main stages of the criminal justice process: reporting, investigation, prosecution and appearance at court. It then considers alternative ways of handling criminal cases, especially the scheme of restorative conferencing which is available to the Youth Court. Finally, the report examines the success of the criminal justice agencies in making their approach more 'joined-up' and looks at the governance arrangements for victims and witnesses services at the strategic level.
- I.6 Recommendations are made within each chapter and are drawn together in the key and other recommendations summary detailed on pages 7 to 13.



## **Chapter 2**

### **The nature of the problem**

- 2.1 The criminal justice system is ambivalent about the status of victims of crime. That is a consequence of the legal framework, not the fault of the criminal justice agencies. Once an offence has been reported to the police and referred to the prosecution service the matter is taken out of the hands of the victim. It becomes an issue solely between the State and the defendant.
- 2.2 This convention serves a useful purpose. It relieves the victim (and his or her family and friends) of the burden of righting the wrong by pursuing justice on their own account. It means that justice is administered in a fair and proportionate way in accordance with agreed standards of proof and principles of sentencing. It minimises the scope for over-reaction and the possibility of a vendetta developing.
- 2.3 Witnesses, by contrast, have a crucial role in the justice system. Without witnesses there can be no prosecution. The prosecution's dependence on non-expert witnesses has declined as the contribution of forensic evidence has increased, and this trend has been particularly marked in Northern Ireland. But eye-witnesses are still essential to the prosecution's case in a substantial proportion of cases.
- 2.4 Northern Ireland, like the rest of the United Kingdom, has an adversarial system of criminal justice, which inevitably makes the business of giving evidence stressful. It is essential that everything possible should be done to ease that process and encourage witnesses to testify.
- 2.5 Victims are often the primary or sole witnesses of an offence, and they merit careful attention by the police and prosecution for that reason. But in recent years governments have come to recognize that it is not just the 'victim as witness' that deserves a place in the criminal justice process. If one of their objectives is to foster public confidence in the criminal justice system then it is not good enough to pay attention to the victim only insofar as he or she may prove useful to the prosecution.
- 2.6 The crux of the problem is that governments have wanted to improve the treatment accorded to victims and witnesses, victims and witnesses have heard that message and have raised their expectations, and yet the agencies of the criminal justice system collectively have found it difficult, among competing claims on their attention, to grant it the necessary priority. The government through the Northern Ireland Office (NIO) is committed to ensuring victims of crime in Northern Ireland are supported. Inspectors found that in 2004/05 VSNI

received funding from the NIO of approximately £2 million for its Community Service, Criminal Injuries Compensation Service and Court Witness Service. In addition, funding of £240K was made available to the NSPCC in 2004/05 to run the Young Witness Service in the Crown Court. Further commitment is evidenced by the Strategy for “Creating a Safer Northern Ireland through Partnership” which was launched in 2003. This outlines a range of structures and actions to be delivered between April 2002 and March 2007 which when implemented and evaluated could improve the quality of services available to victims and witnesses. The PPS informed Inspectors that they have invested in training both legal and administrative staff to improve service delivery for victims and witnesses including the application of special measures.

- 2.7 During the inspection Inspectors found that victims and witnesses were becoming increasingly aware of ‘their rights’ and were demanding a better quality of service from both statutory and non-statutory agencies. They were looking in particular for a joined-up service between the agencies that would give them clarity and continuity of treatment. During the inspection victims indicated that they can have many needs some of which require direct attention within the CJS and others require more practical support as a result of the harm caused by crime, for example, with housing issues, assistance with insurance claims, and emotional support. Inspectors found that victims and witnesses in Northern Ireland were expecting as a minimum to have comparable standards as are available to citizens elsewhere in the United Kingdom. For example, recent policy development in England and Wales has led to the development of the new Victims Act and the statutory right for victims and witnesses to be offered the services of Victim Support and the development of Witness Care Units which are managed by the police and Crown Prosecution Service. To facilitate appropriate attention 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.
- 2.8 There are formal and informal agreements for co-ordination between the various government agencies, as we discuss in Chapter 9, but the service cannot yet be said to be properly ‘joined-up’. The number of victims’ groups in the voluntary sector results in lack of clarity and duplication of function. Competition between groups seeking to establish their role and secure funding can cause friction and impact adversely on working relationships. The question currently being debated within the CJS is how a one stop shop concept could be implemented to form a central function that could be the initial point of contact for victims and witnesses. 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.

- 2.9 Inspectors found victims and witnesses had little knowledge of the Criminal Justice System and indicated what experience they had was more likely based on fictional television programmes rather than information from the official agencies. This may be unfair to the agencies and voluntary bodies who have invested in promotional material, conferences and outreach programmes. But a clear message was coming across that initiatives to date had not met some of the basic needs of victims including:
- their understanding of the system;
  - they did not feel valued in terms of their role;
  - the desire to have equal rights and status as others in the system;
  - the need for improved contacts and information exchange;
  - keeping them up-to-date with progress of their case;
  - they felt aggrieved that they had to go searching for information themselves; and
  - the level of support they received compared to what is on offer for the perpetrator of crime.
- 2.10 Only a small number of all victims and witnesses currently see an offender brought to justice. The Northern Ireland Office (NIO) Research and Statistical Report (No.10) "Victims' and Witnesses' Views on their Treatment in the Criminal Justice System" 2004 based on a sample of 82 Crown Court witnesses, indicated the following confidence levels in the overall CJS:
- (62%) were not confident that the CJS is effective in bringing people to justice;
  - (58%) were not confident that the needs of victims of crime were being met;
  - (57%) lacked confidence in the promptness and efficiency with which the CJS deals with cases.
- 2.11 In addition to the points outlined at 2.9 above and the trends of the NIO commissioned research findings outlined at 2.10 and the problems highlighted to Inspectors during the inspection suggested that the new arrangements on behalf of victims are not seen to be working effectively. These include:
- the lack of a CJS strategy to co-ordinate a joined-up approach to the provision of care for victims and witnesses.
  - the lack of a Victims Charter for Northern Ireland. The Code of Practice - Victims of Crime, issued in February 1998, is still issued to victims. It requires to be reviewed and updated, which the then Secretary of State indicated would occur in 2000.
  - the lack of specific objectives in the statutory agencies' corporate or business plans to control and measure their responsibilities in relation to the joined up provision of care for victims and witnesses.

- there is no specific performance management or Public Service Agreement (PSA) target (as there is for England and Wales) to specifically increase victims' and witnesses confidence and satisfaction within the CJS.
- there is a perception that the CJS is driven more by the needs of the legal practitioners and the rights of the perpetrators of the crime than by concern for the rights of victims and witnesses.
- statutory agencies are unable to quantify detailed resource expenditure on the provision of care for victims and witness service delivery and therefore are unable to comment on value for money.
- with the exception of the Community Liaison Teams of the PPS there is ineffective communication with victims and witnesses;

2.12 Recommendation 230 of the CJR indicated that if there was little progress in improving services to victims and witnesses the government should consider appointing a Victims Advocate. On the basis of the evidence found in the course of this review Inspectors judged that there had been insufficient progress and that it would be appropriate to recommend that a Criminal Victims Advocate for Northern Ireland (distinct from the proposed Commissioner for the Victims of the Troubles) should be created.

2.13 However, following further consultation with key stakeholders Inspectors have agreed to make this a conditional recommendation to facilitate further time for agencies to develop improved service delivery. The condition for this recommendation is that unless a cohesive action plan can be developed and time bound activities are satisfactorily implemented then this recommendation should be implemented as envisaged by the Criminal Justice Review. The role of the Advocate would provide a "victim's voice" with responsibility to co-ordinate and oversee the development of strategy and policy that would address the real and perceived problems highlighted through this inspection.

2.14 The government has recognised many of these concerns nationally. The 2005 Labour Party Election Manifesto stated:

*"The legal system must dispense justice to the victim as well as the accused. We have invested to create a modern, self-confident prosecution service. With new powers and new technology to bring offenders to justice more speedily and effectively. We will improve the way courts work for victims, witnesses and jurors by:*

- building a nationwide network of witness and victim support units that provide practical help; and*
- expanding specialist courts to deal with domestic violence and specialist advocates to support the victims of such crime and of other serious crimes like murder and rape.*

*We will extend the use of restorative justice schemes and Community Justice Centres to address the needs of victims, resolve disputes and help offenders to make recompense to victims for their crimes.*

*Legal aid will be reformed to better help the vulnerable. We will ensure independent regulation of the legal profession, and greater competition in the legal services market to ensure people get value for money. We will tackle the compensation culture- resisting invalid claims, but upholding people's rights".*

- 2.15 It is important that Northern Ireland is included within the development of such a framework, which would go along way towards enhancing public confidence. The CJB, in accordance with the government's manifesto commitment to "build a nationwide network of witness and victim support units that provide practical help" and the action required to progress seven of the CJR recommendations (231– 237), 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. This would require the development of a "central store" of relevant information maintained within a secure database of victims and witnesses.
- 2.16 The government is introducing specialist Witness Care Units (WCUs) in England and Wales, responsibility for which is with the police and Crown Prosecution Service to support the engagement of prosecution witnesses with the criminal justice process. The project has received £27.1m funding from the government's 'Invest to Save initiative' as they recognised that without creating a supportive environment witnesses would be more reluctant to come forward, give statements or attend court and as a consequence fewer offences would be brought to justice.
- 2.17 WCUs undertake a needs assessment to identify any problems that could prevent the witness giving evidence or attending court. These problems might include child care or transport problems, language difficulties, disabilities or particular concerns such as intimidation. Witness care officers co-ordinate the support and services provided to witnesses and keep them informed throughout the case. Research needs to be undertaken to confirm if a similar approach would be appropriate within Northern Ireland.

- 2.18 Some quotes from interviews with victims convey their desire for a better balance in the justice system:

“Why should the victim not have equal rights in law to all other parties within the system and be treated with the same care and respect ?”

“Sometimes people forget that as a victim I am more than a file that gets passed around I am a human person with feelings and needs and I needed help to cope”.

“I am not the only one affected by the crime it has impacted on family friends and the local community”.

- 2.19 The difficulty that both statutory and voluntary agencies have in developing a comprehensive assessment of victim and witness needs is mainly due to the diverse nature of crime and the individuality of victims and the uniqueness of the impact on them, their family and friends. Inspectors were informed that victims of crime experience a variety of emotions and feelings: “fear for their personal and loved ones security and wellbeing”, “shock and disbelief that it has happened to them”, “anger towards others including the criminal justice system”, “private space and life has been violated”, “resentment and hatred towards the perpetrator”.
- 2.20 Over one in five (21.4%) of all Northern Ireland Crime Survey 2003/04 respondents said that they or a member of their households had been the victims of at least one crime during the twelve months prior to the survey interview. This compares to over one in four (25.7%) respondents from the equivalent British Crime Survey 2003/04.
- 2.21 The modernisation programme on-going across the criminal justice system has delivered some very tangible enhancements to the provision of care for victims and witnesses. Examples of these include:
- specialist roles and units created within PSNI dedicated to specific needs, for example: Minority Liaison Officers, Domestic Violence Officers and Family Liaison Officers.

- dedicated Care Units with well furnished Care Suite facilities offered by PSNI;
- development of on-line crime reporting facilities;
- facilities for third party reporting of crime;
- introduction of special measures legislation and policy aimed at assisting vulnerable or intimidated witnesses give their best evidence;
- development of the Community Liaison Teams within the two pilot offices of the PPS with dedicated trained staff, well documented systems including intranet guidance facilities for staff;
- dedicated “soft furnished” rooms in the Belfast Chamber Offices of the PPS for use by vulnerable witnesses for meetings with counsel and staff
- protocols being developed between agencies and also with appropriate partners in the voluntary sector;
- dedicated facilities created across the Court Service estate to facilitate the needs of vulnerable victims and witnesses including segregated “safe waiting areas” and separate entrances in some buildings.
- facilities to allow special measures, if granted, including screening of witness and remote use of ‘live link’ within the courthouse for giving evidence;
- the development of some protocols with partners;
- the Court Service have provided VSNI and NSPCC dedicated rooms to facilitate their services;
- the Youth Justice Agency Conferencing Service offers a restorative justice approach for victims by providing a “moment in time” to meet the offender and get answers and form judgements to help with closure;
- the Prison Service operates an “opt in” Victim information Scheme (in respect of offenders who received six months or more imprisonment) that informs victims of the discharge of the offender;
- the Probation Service have developed an “opt in” Victim Information Scheme which currently requires legislation to facilitate implementation.

2.22 While there is acknowledgement of good work being undertaken by agencies overall there is a disjointed approach with activities spread over several government departments and several areas within one department. This is also replicated within some agencies and many voluntary bodies. The inspection has highlighted anomalies in terms of how agencies perceive the effectiveness of the service they deliver in comparison to the views of those who through experience find themselves in the victims and witness roles. 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.

- 2.23 Statistics from the most recent Northern Ireland Community Attitudes Survey Bulletin (January – December 2003) help to set the public views of the local criminal justice system into perspective:
- 70% thought that defendants were treated fairly and their rights were respected;
  - 60% were confident in the fairness of the CJS;
  - 33% were confident that the needs of victims were effectively met;
  - 50% considered the system was effective in bringing people who committed crime to justice;
  - 39% felt that the system dealt with cases promptly and efficiently;
  - 60% did not think that the system was effective in reducing crime.
- 2.24 A telephone survey of 1000 respondents was conducted in March 2005 by Research and Evaluation Services on behalf of CJI. When asked if they were a victim of crime, how confident would they be that the system would provide them with justice, 52% said they would be very or fairly confident, 45% not confident or not at all confident, and 3% did not know.
- 2.25 These baseline statistics illustrate some of the views that the public have towards the criminal justice system. This places a responsibility on government agencies to manage their statutory responsibilities and focus them strongly towards customer needs. This provides all involved within the criminal justice system a significant challenge to ensure an appropriate seamless, efficient and effective service for victims and witnesses is delivered within the framework of government policies and initiatives.



## Chapter 3

### Crime reporting and victim referral

- 3.1 The Northern Ireland Crime Survey (NICS) for 2003/04 [4] stated that just over two-fifths (41%) of all crimes were reported to the police which is very similar to the 40% British Crime Survey figure for England and Wales for the same period. Unreported crime creates a high risk that if perpetrators go unchecked there could be repeat offending which can create new or repeat victimisation. In the NICS 1998 victims of crime cited the most common reason for not reporting a crime to the police was: “*too trivial / no loss*” (61%). In 2001 the main reason given was “*police could not have done anything*” (37%). In 2003/04 the main reason given was again “*too trivial / no loss*” (33%), closely followed by “*police could not have done anything*” (32%) and “*police would not have been bothered / been interested*” (24%). During interviews with PSNI, VSNI, victims and witnesses Inspectors found that the reporting of crime is influenced by a wide range of factors that include:

- type and severity of offence;
- perpetrator known to the victim;
- community attitudes to and confidence in the overall criminal justice system;
- community attitudes to and confidence in the police;
- prosecution effectiveness and appropriateness of court penalties;
- intimidation or threats;
- previous experiences;
- media handling and lack of confidentiality or anonymity;
- public attitudes to certain offences;
- perceptions of and attitudes to vulnerable victims;
- accessibility of venue to report;
- insurance claim requirements.

- 3.2 Interviews and focus groups conducted with all stakeholders highlighted that each victim is unique in terms of how they react to a crime having being perpetrated against them. The uniqueness can manifest itself in terms of the victim’s emotional and physical needs and the involvement of others affected by the crime. This makes it difficult for agencies to adopt a “blanket approach” for service delivery but emphasises the need for effective partnerships with the voluntary sector. This is needed to ensure the provision of both general support and specialist assistance is available to help the victim as they enter the CJS through reporting a crime to the PSNI. It is important that statutory and voluntary bodies understand both the needs and expectations of victims. This must lead to having case management mechanisms in place to enable effect

support and facilitate appropriate sources of closure. Inspector's attention was drawn to the "Structural tools to Assess Risk and Restore Safety for Crime Victims (STAR) currently being developed by the Institute of Victimology in Holland. The assessment tools can be used to define victims who are repeat victims of crime and for those most at risk of not coping. Evidence from a study undertaken by Ensinc, Van Berlo and Winkle in 2000 shows these people are often "missed" by agencies and yet have most to benefit from appropriate service input.

- 3.3 Due to the previous experiences, perceptions and community attitudes of victims not all crimes committed are reported to the PSNI. The Police Service are the main agency which interfaces with victims and witnesses, as approximately only 8% of all crime that is reported ends up progressing towards the court process. A variety of factors influences this including: lack of evidence to support a prosecution, victims withdrawing their complaint and witnesses unwilling or afraid to come forward. In addition, some offenders can be dealt with by cautions and warnings.
- 3.4 During interviews with victims and witnesses, PSNI and VSNI Inspectors found that victims had expectations of the statutory agencies to protect them and deal firmly with criminal behaviour. These expectations, and whether or not victims and witnesses feel they will be met, are a key factor for them in deciding whether to report a crime. Inspectors were informed that if the best possible care and attention was afforded to victims and witnesses, by the criminal justice agencies together with good quality support systems from the voluntary sector, then more people would voluntarily come forward to help achieve good outcomes, which would ultimately help protect society in general.
- 3.5 Detailed below are samples of experiences that victims or witnesses told Inspectors about in relation to reporting a crime to the police:

A, is a member of an ethnic minority who is currently living and working in Northern Ireland. On his way home in the early hours he was verbally abused by racist comments from a group of four people. They started to throw bottles at him. When he got to his door they severely assaulted him. He got away and ran several miles to a police station. When he arrived he was advised no one was available to speak to him and he had to sit in a waiting area at reception for several hours. He spoke with an officer who took no details other than his name and address. He was told they would take him home and see he got in safely and was advised he might be better moving out of the area. The police stayed outside for a while. He made a statement a week after the incident and has heard nothing (a year later) even though he gave the address where his attackers lived.

B, is an elderly lady living in a predominately nationalist town where police are generally not accepted by the local community. While she was away for a weekend her home was burgled and she lost valued possessions. Her neighbour helped her to repair some of the damage but was unable to help her cope with the loss of some sentimental items, she was very distressed. B's insurance company advised her they needed a police crime reference number and the name of an officer to help process a claim.

B was afraid to be seen to go into the local police station and was also in fear of police being observed calling at her house. She plucked up courage, telephoned the police and gave her details, she requested that no one should come to her house. Later that day uniformed officers in a police car arrived at her door to take a statement. B was very upset that her wishes had not been respected but pointed out that the police officers advised her of the support offered by VSNI – a week later she had met with a volunteer who listened to her and gave her friendly support and put her in touch with other people who “gave her a helping hand” to get her life back in order.

VSNI helped B to make her insurance claim.

C, an Asian owns a food take away business in Belfast. Drunken adults broke his shop window and “hurled racist abuse at him” he went out to them and was attacked by one man who followed him into his shop. C was able to secure himself behind a security screen and locked the door to detain the man. He used the 999 Emergency Service and police arrived 20 minutes later.

The police took the man away for hospital treatment and recorded some details and said they would be back later. C was hurt himself and his brother took him to the local hospital the police and the aggressor were also there. In the presence of the police and other witnesses C was called racist names by the aggressor who also threatened to kill him. The police failed to calm the man down or to investigate his behaviour or threats. A statement was taken by a police officer who then went on leave for 4 weeks. He was not advised of VSNI referral system and he was later advised it would not be in his interests to press charges because counter allegations would be made. No action was taken.

When a similar incident arose several months later he had no confidence in contacting the police. He approached a local political organisation who sorted the matter out promptly they also got him payment for damage to his property.

D, a bisexual man was assaulted by two youths late on a weekend evening while out walking. He had his coat stolen which contained his wallet, car keys and mobile telephone. He also suffered cuts and bruises and had to attend hospital. He telephoned his wife to collect him from hospital explaining that he had been “mugged”. She informed him that someone had phoned his home using his mobile telephone shouting “queer”. D felt he was unable to report the incident to police because he was afraid what it might lead to in terms of his family relationship.

E’s disabled daughter was a victim of sexual abuse. When E made a complaint to the police she had an excellent response. Within one hour of reporting two detectives from the Child Abuse & Rape Enquiry (CARE) Unit responded and took them to a place of safety and provided support for them throughout the process. The Northern Ireland Housing Executive provided emergency accommodation and support. They received good information which prepared them for a very difficult road ahead.

F, was a victim of abuse within a children’s home. She first reported abuse to police in 1986. At that point nothing was done about it. She felt it was “brushed under the carpet” she was not believed. Thirteen years later she was approached by police and a charity to confirm her experiences. This was in the context of other victims now having come forward. She thought the police approach was very different, in that they were then very sensitive to her needs.

- 3.6 The pace of modernisation programmes within the CJS has lead to a lack of understanding by the public as to how the change may impact on them, the service they may expect is often based on “how things used to be” rather than how they are now. This is particularly true of services offered by PSNI as they progress their modernisation programme. Police officers expressed concern about their ability to manage public expectations. As part of police reforms the Police Service has undergone a down sizing programme. This has resulted in loss of experience as well as numbers which they considered has impacted on the quality of service delivery. Front line officers spoke of their disappointment that the Police Service and ACPO had not communicated these changes to the public

in order that expectations can be more effectively managed. Officers considered that the police are more vulnerable to complaints of failing to respond in a timely manner to reported crime. In addition, inspectors were informed that “Response Officers don’t have the luxury of time to spend with victims” and that “Crime Prevention Officers are increasingly providing a ‘mopping up service’” having to explain processes to victims especially the elderly who can get confused by the number of computer generated letters they receive from different agencies in relation to the crime.

- 3.7 Inspectors found police officers were not aware of any PSNI policy or guidelines to cover service delivery for victims and witness. Inspectors were told there were inconsistent standards of service across the urban region e.g. South Belfast target to respond to a hate crime report was one hour but the West Belfast target was to attend within 40 minutes and even with a more prompt response they would still receive complaints from victims about not getting there soon enough. The autonomy of DCU Commanders can also affect service delivery in that each DCU can operate different procedures to notify victims and witnesses of the service. In some command units no statement of complaint will mean no investigation and therefore no VSNI referral whereas in other cases VSNI will be contacted.
- 3.8 Inspectors visited all VSNI local and headquarter offices across Northern Ireland and talked to several members of the Board, the Chief Executive, managers, staff, volunteers and victims who had used the service. One of the most common themes emerging from those discussions were concerns about the timeliness of referrals from police and the impact that can have on the quality of VSNI’s service delivery to the victim.
- 3.9 VSNI is dependent on the police for timely referrals with the Crime Managers in each DCU being responsible for the quality and promptness of all referrals to VSNI. An Inspector based at Community Safety Branch, Headquarters, provides a reference point between Victim Support and the Police Service in respect of the development of policy and protocols whilst DCU Commanders have operational responsibility for policy implementation.
- 3.10 In essence there is a “7 day referral system”. A crime is reported to the police, PSNI collect the details and log the case onto their crime reporting systems. Inspectors were informed that with the exception of victims of domestic violence, sexual crimes or next of kin homicide victims PSNI write out to victims and provide details of the VSNI role and the “opt out” arrangements they can select. Victims are given 7 days to inform the police if they do not want their contact details to be sent to VSNI. If by this period they do not opt out the victims details are sent to VSNI who will then initiate contact. VSNI will normally contact a victim within 48 hours of receiving the victim’s details (Name, address, contact number, gender, age and brief crime details). Victims are contacted either by phone or letter and there is no cold calling. Guidance on

the referral system for PSNI and VSNI is contained in local protocols and in the ACPO – Victim Referral Agreement (December 2003). In theory that is how the system should work. In comparison, in England and Wales the current Victims Charter expectation (soon to be superseded by the Code of Practice) is that victims will be contacted by Victim Support within 4 days of reporting a crime. It has been agreed with ACPO that the default position, as explained by police to victims, is that their details will be passed on to Victim Support unless they state at the time that they do not want this to happen.

- 3.11 Inspectors found there is a significant variation of time taken to make a referral from DCUs to VSNI. Indeed some VSNI area offices who deal with several police districts stated that the timeliness was inconsistent across their local DCUs. Inspectors were advised of examples of referral times ranging from between two and eight weeks. VSNI advised that, allowing for the “7 day opt-out”, around two weeks was acceptable but anything else was moving into being unacceptable. There are regular meetings between local VSNI managers and DCU Crime Managers to monitor the situation. In discussions with police officers they emphasised that their system must be data protection compliant and that victims must have a genuine opportunity to say if they do not want their details to be passed on to VSNI. This “opt out system” can be difficult to manage in terms of updating of crime recording systems and procedures are compounded by the time the police send a letter to the victim, await a possible reply and only then refer victims details to VSNI.
- 3.12 To alleviate delays within the system, when a serious crime is reported a PSNI Officer would normally phone or call into the office with victim details. Some community police officers have also advised victims to self refer to VSNI which “bypasses the paperwork delay”. Inspectors found that delays are possible between recording details at the scene of a crime, preparing the associated paperwork and updating the computer recording system. These tasks can be influenced by shift patterns, training and leave commitments.
- 3.13 Once the PSNI crime reporting system is updated a manually generated standard computer letter is sent to the victim. VSNI indicated that the time lag taken to do this can cause problems for their service in terms of providing support when it is most needed, that is, as soon as possible after a crime has been committed. 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.
- 3.14 VSNI have concerns regarding the practice in some DCUs of “sifting by type of crimes” as to who will receive the PSNI letter advising of the VSNI service to

- victims. This view is based on self-referrals who indicate that they never received any communication from the police about the VSNI role.
- 3.15 Victims who had received letters from PSNI raised some equality issues, for example:
- elderly people who are unable to read letter properly due to size of print;
  - ethnic minority victims unable to read letter due to their command of the English language;
  - a man who had informed police when reporting a crime that he was unable to read was sent a letter
- 3.16 Victims suggested that the PSNI could utilise solutions they have developed for other purposes to ensure the right message is delivered by them in the most appropriate format to the victim. For example, police use of interpreters and translation services that the officer on the street can get prompt access to it when needed.
- 3.17 The Criminal Justice Department of PSNI confirmed that VSNI supply them with information on the number of referrals received from the police which raised concern with Inspectors as to the PSNI current ability to manage and cross match blocks of information by DCU to ensure completeness and accuracy of police activity regarding referrals to VSNI. For example, such performance management information and activity could be used to confirm or dispel any operational issues.
- 3.18 Police Officers should be guided as to what is deemed an appropriate response to ensure a standard of consistent service delivery is established and public expectations also need to be managed. Reporting a crime is the crucial first stage where victims and witnesses expectations are set and they must work together to develop a common understanding of the problem and identify solution.
- 3.19 There is a need for a strategy for victims and witnesses to ensure that a robust joined up service is available that will dispense justice to the victim as well as the accused. Much good work has been on-going in terms of addressing the recommendations within the CJR but much more needs to be done to understand and respond to the concerns of victims and witnesses, both at corporate and local levels.
- 3.20 One area of significant good practice for ethnic minority victims and witnesses was identified within the Dungannon DCU. The Commander informed Inspectors that they had developed their own policy and directives in relation to the treatment of vulnerable victims and witnesses as migrant workers now account for an increasing percentage of the local population. They reviewed best practice from across the UK and developed a DCU policy which has since



- been copied to others. The Community Safety Sergeant and Minority Liaison Officer has identified its most vulnerable people and the reasons for their vulnerabilities and have tailored a service to meet their needs.
- 3.21 There are approximately 1500 to 2000 ethnic minority workers living in Dungannon (mostly Portuguese) working in food processing companies. These workers were being increasingly attacked in the town but no witnesses were coming forward which impacted on the detection rate. As most of the workers did not have a good understanding of the English language the DCU is using: translation services, three officers are being supported to learn Portuguese and language line telephony is being used to assist. The DCU has adapted the crime systems to service their needs, for example, the crime letter generated from the ICIS is now available in Portuguese however the accompanying VSNI leaflet is not in Portuguese. Inspectors noted that a hate crime leaflet in seven foreign languages is available on the police intranet site. 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.
- 3.22 The local police have also developed a working relationship with STEPS a local organisation helping vulnerable people in the South Tyrone area. The police have also worked with other partners to develop an information pack for all new migrant workers to the area in a variety of languages and are circulating these packs through the factories and with the employers who have also agreed to put up posters in the workplace. There have also been leaflet drops with wages slips and a column in Portuguese in the local newspapers.
- 3.23 The DCU utilised its local partnerships to provide a service but felt that in order to present a corporate message and reduce cost, this should have been done centrally. With the benefit of hindsight the DCU now shares its' experiences and what it considers to be good practice with the other Minority Liaison Officers throughout the Service. There is a strong feeling in the DCU that support structures should be put in place at central Government level.
- 3.24 After considering a number of attempts and models to provide advice and opportunities for reporting crime the DCU & partners have now settled on a surgery in the local Citizens Advice Bureau on two days of the week for approximately two hours.
- 3.25 One area of concern which the Police Service highlighted was the lack of progress in developing a national multilingual 999 emergency service.



## Chapter 4

### Investigation and prosecution

- 4.1 Following the report of a crime the police record the crime and commence an investigation if necessary. This will involve the identification of witnesses and the preservation of evidence. An Officer will be nominated as the investigating officer and victims and witnesses should be informed at an early stage who the investigating officer is and how they can be contacted.
- 4.2 However, Inspectors found that victims and witnesses had difficulties trying to make contact with the officers in charge or getting them to return calls. Reasons given for the difficulties included: shift patterns, other duties, leave and training commitments. While some of these reasons are understood the lack of anyone else being able to help, messages not responded to and information withheld but no explanation as to why provides frustration and dissatisfaction with the criminal justice system. 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.
- 4.3 Inspectors were informed by a police officer that if they explained to victims and witnesses how the adversarial legal system worked they would have difficulty getting statements which would prove problematic in getting cases to court. While other officers at the workshop endorsed this view they commented that it highlighted the complexities within the CJS for all the agencies who work within an adversarial court process. A member of the judiciary also informed Inspectors that he remembered a quote that would be applicable to victims and witnesses 'the trauma of going to court can be like that of going for major surgery'. It is also interesting to note findings from the Northern Ireland Office (NIO) Research and Statistical Report (No.10) "Victims' and Witnesses' Views on their Treatment in the Criminal Justice System" 2004. Based on the sample of 82 Crown Court witnesses, the majority of those interviewed highlighted the following satisfaction levels with key agencies:

Agency	Satisfaction Level (%)
Police	63
DPP's office	81
Prosecution Barrister	70
Defence Barrister	36
Court Staff	85
Witness Service	86
Judge	94
Overall	56

4.4 Police Officers informed Inspectors that there was a skills deficit among front line officers that impacted on professional standards. They considered resource problems were particularly noticeable in the following areas:

- officers trained to deal with special measures and vulnerable witnesses within each DCU;
- insufficient Family Liaison Officers (FLOs) for each DCU;
- lack of support for Youth Diversion Officers (YDOs) which has resulted in poor uptake of restorative cautioning. This has also been impacted upon by the lack of commitment by commercial victims and the pastoral contact by YDOs is often limited to telephone calls due to lack of resources.

### **Police training**

4.5 While there is no specific stand-alone training dedicated to Victim and Witness care for police recruits victim and witness issues are an integral part of training and is covered within: Police Ethics; PACE; Human Rights; CJS; cognitive interviewing; PEACE interviewing and role playing exercises.

4.6 Inspectors found that there is no standardisation across the board and some trainers may emphasise victims and witness issues more than others. There are no specific mentions of victims and witnesses issues as lesson objectives. Reference to the Victim's Code of Practice is done informally and varies from trainer to trainer. There is external involvement in student role plays from CRUSE, Women's Aid, COSO and VSNI as well as from some ethnic minority groups.

4.7 Inspectors found PSNI recruits do not learn how to give evidence in court or case management and some DCU commanders have discontinued the tutor scheme. This has potential to impact on service delivery and could mean that the theory that recruits learn during foundation training it is not built upon in experience terms. Inspectors were advised that there were no linkages between the foundation syllabus and tutorship, and no linkages to the foundation course in criminal investigation.

4.8 The Police Service indicated that each DCU has a minimum of two officers trained in special measures provision. The PSNI indicated have been "playing catch up" as it was their view that the legislation was brought in quickly and they had anticipated a more gradual implementation. Inspectors were informed that specific training on special measures for all officers is now moving up the priority list.

- 4.9 An area of good training practice identified by Inspectors was the initiative undertaken by the Road Policing Department in relation to the Family Liaison Officer (FLOs) training. The Police Service policy is that “these specialist FLOs” are not normally deployed as homicide investigators and provide a valuable support to distressed families in very sensitive circumstances. This discrete area of work is also underpinned by the ACPO Road Death Investigation Manual, ACPO Collision Investigation Manual and the ACPO Family Liaison Manual.
- 4.10 Over 125 Police Officers have been identified by DCU Commanders, trained by Road Policing and deployed back into each DCU. Full support is provided in terms of equipment, directions and six monthly forums are convened to evaluate and update performance guidance. PSNI work with the road trauma charity BRAKE and close contact is also maintained with ACPO Road Policing, An Garda Síochána and British police forces.
- 4.11 There needs to be an assessment of the effectiveness of training and make it more focussed on what officers are required to deliver. Excellence in training would enhance confidence in officers and improve their professionalism. As the PSNI are the main contact with victims and witnesses other training such as interpersonal skills, conflict management and resolution may assist a more speedy closure and enhance public confidence in the handling of their issues. 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.

#### **PSNI – Victims and Witness Organisation and Policy**

- 4.12 In October 2003 the PSNI established a Criminal Justice Department (CJD) under the command of an Assistant Chief Constable to focus on criminal justice issues. The ACC Criminal Justice represents the PSNI on the Criminal Justice Board. The CJD has a wide remit, which includes corporate responsibility for Victim and Witness policy and initiatives with vulnerable groups. The department has recently restructured and policy responsibility been realigned. Police work in relation to victims and witnesses is divided into two areas:
- police relationship with Victim Support;
  - PSNI corporate policy with regard to dealings with victims and witnesses
- 4.13 PSNI does not have a current policy in relation to the provision of care for victims and witnesses. Inspectors found that a policy/discussion document had been drafted by a senior officer and presented to the VVIW in September 2004. Inspectors would concur it represented more of a discussion document and was written from a CARE perspective. From a review it would appear that PSNI has adopted a fairly narrow definition of vulnerable victims and witnesses as being adults with learning difficulties or physical disability. In addition, there was no

cross-over between the vulnerable victim group and domestic violence and hate crime groups this would convey that there was little recognition that these types of victim are almost always vulnerable. The shortcomings in the draft document were recognised by senior police officers and a considerably amended version has been drafted for formal consultation with other agencies. 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.

- 4.14 The CJR in 2000 initiated three central themes with regard to the future of prosecutions in Northern Ireland:
- the creation of a single, independent prosecuting authority known as the Public Prosecution Service (PPS);
  - the PPS would have full responsibility for a case between point of charge (or summons) and trial;
  - increased services to victims and witnesses throughout the criminal justice system with each agency that has lead responsibility for working with victims at particular points in the CJS being clearly defined.
- 4.15 At present the position is slightly complicated by having in effect two prosecution streams running necessarily different systems. There is the PPS for the Belfast Region (and all Belfast youth cases) and also for Fermanagh and Tyrone and the “old style” DPP<sup>1</sup> for the rest of Northern Ireland.
- 4.16 Inspectors witnessed very different services being available between the DPP and PPS streams. The development of the PPS mechanisms including the Community Liaison Teams (CLT) has been a very positive development. It will be a significant move forward in terms of quality of service when all victims and witnesses can benefit from the PPS system and processes.
- 4.17 Inspectors acknowledge that giving evidence in an open court can be stressful. The DPP/PPS indicated that the “discomfort” for witnesses cannot be entirely allayed due to the adversarial nature of the CJS as defence lawyers need to test the evidence when given. When the evidence takes the form of a witness testimony the test can be robust to ensure that an innocent person is not convicted. The robustness can be controlled by the Judge who can intervene if the cross examination becomes inappropriate.
- 4.18 The DPP indicated that the “as a result of the correct application of the test for prosecution by the DPP/PPS victims are protected from the unnecessary stress of going through a trial and the cross examination that will take place”. Although

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<sup>1</sup> In this report we refer to ‘the DPP’ except where the new Public Prosecution Service is specified. The Office of the Director of Public Prosecutions became the Public Prosecution service for Northern Ireland on 13 June 2005.

the DPP consults in some cases they should consult more effectively with victims, witnesses and police about the range of options available for a case if it goes to Court. This will include, for the prosecutor, consideration of a range of options including: special measures, common law screening, anonymity and the use of interpreters. The development of systems within the PPS Community Liaison Teams has enhanced service delivery which will become more widely available as the PPS rolls out across Northern Ireland. Inspectors were advised that the practice within the PPS (subject to paragraph 4.12 of the Code for Prosecutors) is to indicate in every case the basis upon which a decision was taken, whether it was on an evidential or public interest basis. To increase public confidence, this is an area which requires to be further explained and understood by victims and witnesses. Subject to these constraints wherever possible, reasons should be given for any decision not to prosecute a case.

- 4.19 Both PSNI Officers and victims raised concern with Inspectors about the lack of continuity of counsel involved in prosecuting the same case as it progresses through the court system. This has caused duplication in that victims and witnesses including police officers have had to go over the same points on different occasions. DPP/PPS staff informed Inspectors that they make every effort to ensure continuity of counsel when possible. They also indicated that counsel are not specially trained to deal with victims and witnesses and there can be a wide spectrum of ability and experience in this area. Inspectors were advised by DPP staff there is a 'pool' of barristers it employs to prosecute. 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.
- 4.20 Ownership of victims and witnesses particularly at court stages has caused some witnesses to feel "abandoned by the system". PSNI officers informed Inspectors that the DPP do not take control of witnesses whereas the PPS does. They believe an assumption is made that the "Officer in Charge" will get the witnesses to court, including summary trials and they will support them. Inspectors found this will vary from officer to officer and depend on their workload.
- 4.21 The Home Office Report "Speaking Up For Justice", which led to the introduction of special measures legislation, recognised the value of consultation with witnesses. The report working group acknowledged the benefit in Northern Ireland of consultation with some witnesses in advance of the trial. Paragraph 6.27 of the report states: "there may be advantages in some contact before the prosecution with certain vulnerable or intimidated witnesses. These could include:
- better prospects of evaluating the likely performance of the witness;
  - allowing the witness direct access to the prosecution team;
  - increasing witness confidence in the CJS;
  - reassurance for the victim that all aspects of care will be fully examined and their interests properly taken into account;

- opportunity for the victim or witness to raise any concerns they may have in relation to the trial.”

Some victims and witnesses informed Inspectors that the police had advised them that DPP staff would hold pre-trial consultations to co-ordinate the case and assess their needs prior to the court hearing. They had assumed this would result in a comprehensive case conference. The DPP/PPS indicated that they would determine when consultation with witnesses in relation to details of evidence was necessary. This would particularly be appropriate at pre-direction and post-direction stages but would not be necessary in relation to all injured parties in every case. The DPP/PPS confirmed that consultations can be resource intensive but considered that they serve the interests of victims and witnesses who are not put through the unnecessary stress of a trial where the test for prosecution is not met. Equally where the test is met consultation affords the opportunity for the victim to meet with the lawyer conducting the prosecution and to raise concerns they may have about the trial. Inspectors found some victims and witnesses were disillusioned because their expectations were not managed in that they only met with counsel minutes before the court hearing. 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.

- 4.22 Another area of concern raised with Inspectors was prosecuting Counsel's willingness to accept offers by the defence of a guilty plea to a lesser offence without ascertaining the victim's views. Some Police Officers said that prosecutors sometimes appeared reluctant to contest cases for the full charges (but that, of course, involves putting their judgment against that of the prosecutors).
- 4.23 Inspectors found that there is little effective scheduling of witnesses, no witness phasing arrangements and no mobile phone or paging systems in operation to allow victims and witnesses to have more flexibility and less waiting time in a court venue. 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. Inspectors found that expert witnesses such as medical consultants are more reluctant to get involved in cases or to give statements as they are not prepared to waste time waiting at court.
- 4.24 Police Officers stated that from their perspective the application process for special measures in consultation with DPP staff was unclear and that, despite points raised, the DPP was seen as applying for special measures infrequently. Consultation with DPP regarding special measures applications is informal and often left to the day of the court appearance and little or no risk assessment is undertaken. The DPP/PPS had different views and considered that the lack of clarity may be due to a lack of police awareness.

- 4.25 A sub-committee of the VVIW known as the Special Measures Sub Group was established to “ensure the effective implementation of the Criminal Evidence (NI) Order 1999”. Good work was undertaken by the group including the development of Achieving Best Evidence in Criminal Proceedings (NI) Guidance for Vulnerable or Intimidated Witnesses, including Children (Volume 1). However, Inspectors were informed that the group has been “stood down” as the majority of legislation is now in place and the main VVIW group dealt with any issues arising. While this is true the day to day workings and effective communication and implementation needs to be more closely examined. 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.
- 4.26 Inspectors found based on findings from staff of agencies and victims and witnesses that the embedding and application of special measures needs to be more clearly understood by all stakeholders. The CJB needs to evaluate the effectiveness of the working of Special Measures for vulnerable and intimidated witnesses. Inspectors found that there is no central recording or monitoring of information in relation to applications made to the court and the subsequent outcomes. 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.
- 4.27 Protocols worked out with the PSNI are in a ‘state of development’ for the transition to PPS but there are no protocols to cover the existing DPP business areas. The PPS Belfast Initial Evaluation Report (February 2005) highlights that “the new operation processes are working effectively and information is sent to victims and witnesses in line with the PPS draft Victim and Witness Policy. ... There is however some evidence that ...some of the notifications to victims are not being issued when they should be.”
- 4.28 The DPP updated its 1997 victims and witness policy in early 2004. It is now regarded as operational, but officially it is still in draft as ‘work in progress’. There is no target date to have the policy signed off and there are no plans to submit it for an equality impact assessment or consultation. All agencies should have appropriate Victim and Witnesses Policies in place to progress towards a seamless service. These policies should undergo equality impact assessment and be communicated to staff with overview training.
- 4.29 The PPS CLT staff have been trained for their role by VSNI and joint training protocols are being developed with NSPCC & VSNI. A training, educational and



- procedural guidance package has been developed on the DPP intranet for the use of all staff guiding them through legislative requirements and special measures applications processes. This package also allows the user to print off forms for applications and has a Frequently Asked Question facility and access to training material but staff indicated that there is no cross over to the case management system for ease of use of forms.
- 4.30 The DPP is dependent on police officers for Special Measure referrals but they are not consulted on any joint training initiatives and are not represented on the PSNI training committee. Therefore the DPP is unaware of the experience and knowledge of operational PSNI officers in special measures procedures. 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.
- 4.31 DPP staff indicated that court dates are fixed blind without reference to witness availability, cases can also be transferred from one court venue to another without consultation with victims and witnesses. The PSNI, DPP/PPS and NICtS should ensure there is a clear case management trail to demonstrate that victims' and witnesses' needs are to the forefront of case planning, especially when cases are being listed for hearing. There is no witness phasing for young witnesses and Inspectors were made aware that parents have complained of having to bring a child to court on four consecutive days without giving evidence leading to the parent threatening to withdraw the child's evidence for the case.
- 4.32 Inspectors found there is limited prior consultation with the defence to find out if there is to be any pre-trial submissions. The PPS indicated that In the Crown Court both parties complete a 'Trial Status Report Form' detailing issues that may affect case progress. The police officer in charge will refer young witnesses to the NSPCC (who will sit with young witnesses when they are giving evidence) and the DPP will check that this has in fact happened. The officer plays a crucial role in witness care and is the first point of call on the day of the court. They will introduce the victim and witnesses to the law clerk who will then explain the process. There will then be a consultation with counsel and no witness goes into court without seeing counsel.
- 4.33 The DPP send out invitations to use the Witness Service each time there is a notification to attend court however, the DPP do not notify the VSNI Witness Service of how many people to expect. The PPS and PSNI need to review the information needs of the YWS and the CWS in terms of quality and timeliness. Inspectors would envisage this being included an integral part of the Witness Service Strategy (recommendation 3).



## Chapter 5

### Appearance at Court

- 5.1 Victims and witnesses who provide a statement to the police in connection with crime may be called to give evidence in court. Going to court can be a daunting experience for anyone but particularly for the more vulnerable individual who is worried about their role and having to face the person who has wronged them. From interviews with victims and witnesses and other stakeholders there was confusion about which agency is responsible for leadership as progress is made through the court process.
- 5.2 The main role of the NICtS is to provide for the administration of justice by facilitating the conduct of the business in the Supreme Court, Crown Court, County Courts, Magistrates' Courts and Coroners' Courts. Inspectors were informed that some victims and witnesses tended to see the NICtS as being responsible for managing everything that happens in getting them to court and for the service they receive while in the courthouse including on occasions the "ferocity of cross examination" and allowing "inappropriate character challenges" to victims and witnesses. However, facilitating a court appearance is not solely their responsibility but rather a joint partnership with all other criminal justice agencies. Depending on the type of court and stream of prosecution the DPP/PPS or PSNI will determine who is to be called as a witness, issue witness summonses and directions and make the necessary arrangements to have cases ready for court on an appropriate date.
- 5.3 The NICtS has highlighted this through several public information leaflets some of which impact on victims and witnesses including:
- "Attending as a Witness in a Criminal Court";
  - "Policy for Countering Intimidation on Court Premises".
- 5.4 Such information is important because many people do not know what to expect when they come to court and can be nervous. In addition, court staff highlighted to Inspectors the "Customer Service Standards – Witnesses – what you can expect from us" posters prominently displayed in public areas within courthouses. These information boards outline:
- where witnesses can go within courthouses if they need information;
  - the provision of comfortable waiting areas and refreshment facilities;
  - separate facilities in all main court venues for vulnerable and intimidated witnesses;
  - availability of a child witness room;
  - opportunity for a familiarisation visit to the courthouse prior to giving evidence;
  - availability of other information leaflets.

- 5.5 The NICtS recent drive towards the attainment of Chartermark for court venues has increased their focus on customer service standards. In addition, HM Magistrates' Courts Service Inspectorate (MCSI) has reviewed the strategic direction of customer service which impacts on users including victims and witnesses called to court.
- 5.6 From the interviews held with victims and witnesses Inspectors were informed that awareness of the information contained in the leaflets was particularly low. Several VSNI groups considered that the "Attending as a Witness" leaflet was not an effective or timely way of communicating with victims and witnesses as they can become swamped by the number of leaflets from many organisations. The NICtS do not have a Victim and Witnesses Policy that identifies linkages to the work they undertake, facilities they provide and the reliance placed on their partners to develop good customer care. Such a document would be useful for staff, partners and users of the system. It would also provide an important transparent link to the needed overarching CJS Strategy.
- 5.7 Victims and witnesses and VSNI volunteers described to Inspectors the anxiety witnesses felt, particularly during the time leading up to their court appearance, once they got there some indicated the experience while stressful was "more comfortable than they had expected" while others indicated they became more stressed by the experience. Inspectors were informed the experience was influenced by the:
- level of support received from family and friends;
  - level of practical support received by the PSNI, DPP/PPS and Courts;
  - amount and timing of information shared in relation to their case;
  - role and commitment of support received by the specialist voluntary bodies;
  - attitude and approach of the defence legal team;
  - having to face the perpetrator of the crime;
  - availability of special measures.
- 5.8 There was a variation in views expressed to Inspectors about how victims and witnesses felt about going to Court. Some explained that the period of time between giving statements and waiting to hear if anything was going to be done was particularly stressful which impacted on their ability to "get on with their life and get some form of closure". Some victims indicated that they had not been informed by the statutory agencies about the status of the case, their perpetrators court date or conviction. Instead they read about their crime and conviction of the perpetrator in newspapers covering the local courts. In one case they learned that the matter had been dealt with after receiving a cheque from the Court because compensation had been awarded to them for damage caused to their property. As the defendant had pleaded guilty no witnesses were needed but some victims felt they would like to have the opportunity to go to court and hear how the case was dealt with and see the defendant which they considered would have helped them with their closure. The NICtS, 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.

- 5.9 While the NICtS aims to make going to court a more comfortable experience for all, the court staff informed Inspectors that the standard of facilities can fluctuate considerably depending on the age, design and structure of the building and also the level and type of business being conducted at each venue on any particular day. In general, Inspectors found that the court buildings they visited offered a good level of accommodation. Feedback from victims and witnesses, voluntary bodies and some statutory agencies indicated that the main issues where improvement could be made by the NICtS were:

- the creation of a forum to focus on victim and witness issues as the Court User Forums were too general and in some locations were no longer convened;
- greater segregation of waiting areas;
- separate entrances for defence and prosecution witnesses;
- development of procedures with partners to minimise waiting times in courthouses;
- increased comfort of waiting areas due to “having to sit for long periods on hard wooden seats”;
- better provision of refreshment facilities.

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.

- 5.10 Inspectors found that, although people can get into courthouses relatively easily it would be difficult for disabled customers particularly those in wheelchairs to get easy access to everywhere they need to go. Court staff informed Inspectors that if they receive notice from the other agencies that a user who may have specific needs is coming they can normally make appropriate arrangements to facilitate their attendance and comfort. New court buildings such as Dungannon and the Belfast Combined Court Centre at Laganside have good facilities for all court users including ramps, lifts, disabled toilets, induction loops and low level counters. This demonstrates what can be achieved when designing a new courthouse. However, some witnesses were critical about the newer courthouses, for example, location and size of witness service accommodation at various venues but particularly at Laganside. Inspectors witnessed pressure on accommodation during their visit to Dungannon in that a room reserved for the Court Witness Service was taken over by PPS for discussions with police. This resulted in use being made of the corridor for the witness service. Inspectors were advised by VSNi that there are relatively poor witness facilities at Omagh and Enniskillen court venues.

- 5.11 Inspectors were informed that there is currently no mechanism within NICtS operations to plan or schedule victim and witnesses court appearances and court staff considered that ownership of this issue lay more with the prosecution. There is also no monitoring of witness waiting times and the NICtS expects whoever asked the witnesses to attend court to look after them in conjunction with voluntary bodies such as the VSNI, NSPCC who run the witness schemes and Women's Aid. It is important that agencies involved identify a solution to "witness timetabling" for both expert and non expert witnesses to ensure that witnesses attend court when the CJS is ready to hear their evidence and that their waiting time is minimised. In known contested cases "witness phasing" should be introduced and use of modern facilities considered such as paging arrangements or mobile phones. This would afford people the opportunity to reduce stress levels by minimizing the time spent sitting around courts (in some cases for days/weeks) in a "pressurized environment" and allow them to go about normal activities. 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.
- 5.12 Inspectors were informed that some witnesses have been left outside a courtroom waiting to be called unaware that the case has been adjourned to another date. It was explained that there was little appreciation by the agencies of the emotions and feelings that victims and witnesses went through for each court hearing. While Inspectors can appreciate the need to ensure good use of resource in court administration and listing it is also important that victims and witnesses needs are more appropriately met.
- 5.13 In discussions with the NICtS Maybin staff, Inspectors were impressed with their commitment to customer care and particularly in alerting court staff to any needed action as they are the main interface with the public arriving or waiting at court venues. Court staff rely upon them to spot any potential problems including any distressed or anxious witnesses that may need help. Maybin staff also support VSNI's court witness staff and volunteers when they identify witnesses who have not been directed to the witness waiting areas.
- 5.14 During a visit to one courthouse Inspectors noticed signage on a door "Witness in Fear Room". While it may have described the function of the room it was considered inappropriate in terms of providing a calming environment for someone to wait while under stress about their appearance in court.
- 5.15 The court system as it currently stands can lean towards favouring the interests of the defendant rather than the victim or witness. One area where this is highlighted is the right of a witness to have access to a witness service. In certain cases the defendant has the right to elect for their offence to be tried by either a Magistrates Court or a Crown Court. If the defendant elects for the offence to be tried before a Magistrates Court then the witnesses is not afforded the opportunity to have access to a witness service because outside of Laganside

- the witness service is only on offer to witnesses attending the Crown Court. Inspectors were advised that an “Evaluation of the Pilot Witness Service in Belfast Magistrates Court” has concluded that the service is valued and plans should be made to roll it out to other venues across Northern Ireland.
- 5.16 Victims need help when going to court as witnesses. As mentioned other than the pilot scheme at Laganside, there is no support for them when going to the Magistrates Court. VSNI informed Inspectors that this has influenced people to pull out of cases rather than go through the trauma of appearing and being cross examined in court with no support. In Magistrates Court cases Inspectors were informed that the police officer in charge of the case may meet the victim on the morning of court at the reception area. At present there is no one else to go over the case, no explanation of the process is given and there is no management of expectations.
- 5.17 The role, function and availability of witness support services at Court is not clearly understood by people called to give evidence in court. They do not distinguish between the different types of court. Inspectors found that the term “Court Witness Service” was misunderstood. People were left confused that no witness service (other than the pilot at Laganside) is available in the Magistrates’ Court when that is court tier where the majority of criminal cases are dealt with. The view expressed to Inspectors was that a crime is a crime and every victim and witness deals with it differently, and has needs irrespective of the type of court the cases is listed in.
- 5.18 Court staff informed Inspectors that vulnerable victims and witnesses are not always identified early enough in the process by partners to enable best use to be made of facilities. Other than through a special measures application there is no formal method of the court being informed of victims and witnesses special needs prior to court attendance. Some court venues are not suitable for special measures which results in business being transferred to another venue and in other cases equipment has been transferred from one location to another. The Special Measures Evaluation Sub-Group should be established promptly.
- 5.19 Inspectors were informed that there is no support on the day of inquests for witnesses attending the Belfast Coroner’s Court as located in the Old Town Hall which is a listed building. Rooms are very limited and private facilities are not offered. This can be a problem when people are particularly distressed and the Youth/Family courts are listed on the same day extra pressures can result when distressed families are arriving for the Coroner’s Court.
- 5.20 Court staff informed Inspectors that there are no specific performance targets set in respect of victims and witnesses and there are no specific mentions of victims and witnesses services in their business plans. They indicated that service improvement is a high priority for NICtS and the generic term customer service applies to all users.

## **Chapter 6**

### **Conferencing and restorative justice**

#### **Youth Conferencing**

- 6.1 The Youth Conferencing Service (YCS) is striving to be distinct from other agencies which tend to be seen as 'offender focussed'. They offer a balanced approach in that victims are offered a process of involvement designed to meet their needs by seeking amends for what happened and obtaining answers which may help them to achieve closure.
- 6.2 Inspectors were informed that young people often ask who the YCS is representing. It is explained that conferencing is their opportunity in a safe and fair environment to face up to the impact of their crimes and that it is also victim focused. The majority of cases dealt with are for theft, criminal damage, assault or Children's Home cases. In the case of children's homes, the YCS tries to get the direct victim to attend, but this sometimes is not possible, and the manager will attend this is particularly true in cases where damage has been caused to property and there is no 'direct' victim. The YCS considered that children's home cases could be dealt with differently, if resources were available, for example, conferencing taking place within the home.
- 6.3 Inspectors found that the YCS get most of their business through court orders, rather than through diversions from the DPP. Court orders require to be dealt with within 4 weeks and diversions within 6 weeks. Victims are normally invited to attend conferences by letter. A home visit is subsequently made to provide the victim with an overview of the process, agree consents to be involved, participation of victim's supporters and the role of the victim are discussed.
- 6.4 While a form of special measures are available to facilitate the victim they are rarely used. At the time of the inspection no one had chosen to use the available screen or two way mirror and all conferences had been face to face where the victim had attended. Some conferences have taken place where the victim has been represented by someone else or use has been made of taped responses and there had been one use made of Video Conference facility but on reflection the victim subsequently wished they had chosen to meet the young person face to face. To help guide the victim preparation forms are used and the Youth Conference Co-ordinator has sight of the statement to the police through the PPS. The victim sometimes sends a written statement of impact to YCS instead of attending. YCS informed Inspectors that the verbal statement if the Victim attends a conference makes more impact on the young offender and the offender's family than a written statement.

- 6.5 At the end of 2004 there had been 214 referrals of which 60.4% resulted in victim participation, 39.6% had been involved indirectly (through taped responses or represented by someone else).
- 6.6 Inspectors were informed that the offender is often accompanied by a solicitor or parent, whereas the victim often attends alone or with a friend/family member. This has not caused any imbalance in proceedings as the solicitor is only there to offer legal advice and does not 'represent' the offender as in court proceedings.
- 6.7 With greater public knowledge and awareness, YCS staff hoped that the approach to restorative justice will grow. The conference offers the victim 'a moment in time' to meet the offender, receive an apology, learn of plans for reparation and how the offender may make amends through a Conference Plan. This enables the victim to make judgements of their own to help with closure of the crime.
- 6.8 In cases involving both young person victims and offenders (approximately 10%) they are offered the opportunity to see the conference setting to familiarise themselves with the surroundings. The victim is also offered the choice of whether they would prefer to be seated in the room prior to the offender entering the room.
- 6.9 Good practice meetings are held between the co-ordinators to share ideas, consider lessons learnt and any highlight good practice which also feeds into constant evaluation. Approximately 10% of all conferences are quality assured by the Deputy Directors to review standards. Co-ordinators are also engaged with the University of Ulster in undertaking post graduate diplomas in restorative justice.
- 6.10 Inspectors were informed that the 'difference in the two areas currently running the Youth Conferencing Service (YCS) is quite stark'. In Fermanagh and Tyrone 100% of conference plans have been endorsed by the Youth Court, while in Belfast 54% of conference plans have been endorsed by the Youth Court. While this matter is being discussed between agencies to determine the appropriateness and acceptability of plans in each area it is appreciated that this can add to a delay and also requires the victim's expectations to be effectively managed. This was a potential issue of concern to the Inspectors. While it is not for victims to assume a role of influencing court processes, in agreeing to participate in these conferences they are potentially vulnerable, and at the very least exposing themselves to possible further distress. If there is a sense of their contribution not being affirmed by the court, it risks weakening their commitment to and confidence in the criminal justice system. The YCS should evaluate the pilots at Belfast and Fermanagh & Tyrone and ascertain 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.

- 6.11 YCS involves agencies within the local community to support young people. VSNl are working toward delivering a victim awareness programme to young people going through the conferencing process. VSNl are not in a position to support victims going to conferences as yet, but are working on a proposed service model and project plan with YCS to ensure victims can be supported within youth conferencing.
- 6.12 Inspectors were informed that Social Services are also involved in cases where offenders or victims are in "looked after" care. This can place Social Services in an invidious position as they are at the same time acting in place of the parent to the offending child as well as the aggrieved party whose property has been damaged and/or staff threatened or hurt. When a conference does take place it is good that mentoring services/community service projects and other agencies who are already involved with the individuals are invited to the conference rather than introduce strangers into the proceedings.

### **Community Based Restorative Justice**

- 6.13 The Criminal Justice Review described restorative justice as: "a more inclusive approach to dealing with the effects of crime, which concentrates on restoring and repairing the relationship between offender, the victim, and the community at large, and which typically includes reparative elements towards the victim and/or community." The process of restorative justice in relation to offending behaviour deserves wider consideration within the CJS. It is recommended that the CJB should develop partnership arrangements with community based restorative justice 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.
- 6.14 Inspectors met with staff from Community Restorative Justice (Ireland) and Northern Ireland Alternatives to ascertain their views in relation to care for victims and witnesses of crime who for reasons do not feel comfortable reporting the offence to PSNI. The evidence gathered from these groups is at Appendix 2.



## **The Future**

- 6.15 Restorative justice is an international concept that has worked well in many countries. Inspectors were informed that whether it is within the CJS such as with the approach adopted by the YJA or outside with the community based groups it appears to work well because it focuses on reconciling the offender and the victim's needs. Restorative justice programmes observe established protocols and because they deal with relatively smaller numbers than statutory agencies they can deliver a prompt and satisfactory resolution which is a key need of victims and witnesses to facilitate closure.

## Chapter 7

### Witness Services

7.1 There are currently three separate witness services, commissioned by the NIO in support of the CJS within Northern Ireland:

- Crown Court Witness Service – adults 18 years and over;
- Young Witness Service – children/young people 17 years and under;
- Magistrates Court Pilot Service in Belfast – adults 18 years and over;

Each service is funded by the NIO and administered by staff and volunteers from VSNI and NSPCC.

7.2 In terms of an effective witness service the current approach in Northern Ireland leaves big gaps in service delivery. There is no service provision for defence witnesses at any courts as would be available in England and Wales. There is also no provision for prosecution witnesses who want to use the service (adults and young people) in the Magistrates Court, children and young people in the Youth Court and witnesses at inquests. The gap in the service for the Magistrates Court is particularly concerning as this court tier deals with the majority of criminal offences. Inspectors were advised that funding, securing of an adequate volunteer structure and promotion of the services were the main issues which the NIO, VSNI and NSPCC had to address if the service was to be developed or prioritised. The VVIW (together with VSNI and NSPCC) should develop 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 witnesses requiring the service in all courts including: Crown, Magistrates, Youth and Coroners.

7.3 The Victims and Witnesses Views on their Treatment in the CJS NIO Research & Statistical Series No. 10 report issued in 2004 confirmed that:

- 35% of witnesses interviewed felt their contribution was fully appreciated and a further 27% felt their contribution was appreciated to some extent;
- 45% considered they would be happy to be a witness again;
- 68% indicated that they would likely be a witness again if required.

The report also highlighted that 86% of those who had contact with the witness service were satisfied with the treatment they received. The key perceived benefits of the current service were:

- confidential and empathetic support;
- information on what to expect;
- information on how the case was progressing;

- a safe place to wait while at court;
- distraction from the stress of the hearing through providing a listening ear.

## **Court Witness Service**

- 7.4 The Court Witness Service (CWS) is a free service available to witnesses attending Crown Courts in Northern Ireland. The service provides a dedicated information network, pre-trial familiarisation visits to courthouses, separate, quiet and safe places to wait when at Court, accompaniment into the courtroom and assess to support contacts to help people deal with their experience.
- 7.5 VSNI informed Inspectors that the CWS, which is a service limited to adults called as witnesses to Crown Courts, was not working effectively. They indicated that the implementation of the project had been “poorly managed” and “had been rushed in” and it required further development involving all stakeholders. The NIO and VSNI both expressed concerns to Inspectors that there was a need for greater support across the CJS for the CWS. Information exchange between the statutory agencies was not being effectively delivered to facilitate the effective working of CWS. There is also a lack of validated management information from CWS to facilitate decision making and provide confidence that an effective service is available to meet witness needs.
- 7.6 The service which is based at four courthouses in Antrim, Downpatrick, Dungannon and Laganside covers all crown courts. Inspectors found that in February 2005 there were 24 volunteers available across Northern Ireland to support the CWS and 2 volunteers to support the pilot MCWS at Laganside.
- 7.7 VSNI staff recognise that the CWS needs attention on a number of counts, primarily the need for additional volunteers. This is being addressed through external consultancy, promotion and publicity with partners and recruitment drive in local press with the target of improved flexibility with ten volunteers per Crown Court and ten in the Magistrates Court in Belfast. The need for more structured volunteer training was also recognised and is being actively addressed.
- 7.8 The CWS relies on lists of witnesses received from the Court; however these do not contain contact details. When these lists are received the CWS needs to contact the DPP to ascertain who the police officer in charge is so they can issue information regarding the service. There is normally a poor response to this and the bulk of the work is done by the CWS being reactive with people as they arrive in Court. CWS is very dependent on the officer in charge to provide them with information. CWS has no direct contact with the victim instead they go through police to see if witnesses want the service. There is no formal protocol with DPP/PPS regarding provision of information on potential witnesses requiring CWS.

- 7.9 Staff informed Inspectors that the lack of any joined up protocol with regard to the CWS particularly in relation to special measures was also an issue. Special measures other than for young witnesses are not widely considered. It is unclear to CWS staff whether this was due to Police inexperience at identifying special measures needs or that the prosecution are not promoting them, anticipating that the Court will not look favourably on such applications. The CWS is unaware of any information from the Court regarding the success of special measures applications.
- 7.10 CWS offer a “pre, during and after trial support service focusing on emotional and practical support throughout the process”. They also co-ordinate pre-court familiarisation visits when requested and liaise with police officers in charge of cases to offer the witness room services. In relation to defence witnesses it was noted no services are available, the NIO informed Inspectors that the Criminal Justice Review spoke only of prosecution witnesses and resources had to be focused.
- 7.11 The CWS are often approached to deliver a witness service at Magistrates Courts outside of Belfast as police officers believe it is available at all courts rather than on a pilot basis in Belfast.
- 7.12 Staff in the CWS informed Inspectors that despite the good work undertaken they believe the service is “viewed more as a novelty” and they “are the poor relations with other Agencies not convinced that they will stay”.
- 7.13 The NIO have commissioned independent evaluations of the YWS and also the Pilot Witness Scheme in Belfast Magistrates Court. CJI will also be conducting an evaluation of VSNI in 2006, which will provide the opportunity for Inspectors to look in greater depth at the arrangements for delivering this important service.

### **Young Witness Service**

- 7.14 The Young Witness Service (YWS) which is delivered through the NSPCC started in October 2003. The NIO who fund the service, approximately £240K have a SLA which involves accountability through quarterly reports and evaluation. However, Inspectors noted that the NSPCC (being the sole provider of the discrete witness service for young people) did not have representation on the VVIW. Having discussed the matter with the NSPCC, VSNI and members of VVIW Inspectors recommend that the NSPCC should become a member of the main VVIW to ensure that children and young people needs are to the forefront of policy development. The current SLA dates from December 2003 and is due for an interim evaluation after 18 months of the contract which will take place in 2005. The NSPCC have three qualified social workers operating as Young Witness Workers and a Team Leader managing the service alongside sixteen volunteers within three geographic areas and cover all Crown Courts venues.

- Inspectors were advised there is currently insufficient capacity to serve the Magistrates and Youth courts, although a few selected cases have been undertaken. The basic premise of the work is to support the child in the giving of his or her evidence, but not to talk about the evidence.
- 7.15 Referrals to YWS are received mainly from PSNI (80%), other sources include VSNi, self referrals, social services and some are known to the specialist child protection colleagues in NSPCC Therapeutic Teams. Initially the children and their families/carers are both contacted by YWS through a letter offering a service and including written information about the role and process. The letter proactively states that an appointment is offered and when it will take place, but at the same time ensuring the family know that they can opt out or can choose a time and venue more suitable to them.
- 7.16 While most families known to PSNI C.A.R.E. Units take up the service there is an unknown quantity of people who do not respond to the original letter. It would be important for the YWS to establish how many there are and the reasons why they chose not to avail of the service.
- 7.17 The volunteer is accompanied on the first visit pre-trial by the Young Witness Worker and a copy of a video and the Young Witness Pack is provided. The content of the pack is very informative, Inspectors were informed that it is soon to be reviewed and may be made more locally applicable. There are usually between 3 or 4 visits before the trial takes place.
- 7.18 The reported perception of the service is that it is “benign”, as it has no input either to the gathering of evidence or the provision of therapeutic help. Rather it is the timely offer to the child and family of support in the midst of “a confusing and strange legal process”.
- 7.19 The demarcation of the cases allocated to Young Witness Workers and volunteers is determined by the criterion of there being any complex child protection issues. Volunteers are dealing with 90% of referrals and are matched to cases according to their strengths in dealing with particular gender and age.
- 7.20 Volunteers have mostly been recruited directly by YWS and have developed considerable experience. They work in accordance with principles and standards and receive initial training over a four week period. They vary in background, for example, a child minder, GP and physiotherapist. The average number of cases per volunteer each year is 4 and supervision is provided monthly. In addition the volunteers can make contact on an ad hoc basis.
- 7.21 There are undoubtedly children in cases in Magistrates Courts, Youth Courts and Youth Conferencing (where 10% of victims are children) who are vulnerable and are not receiving service. There is also no service to child witnesses called

by the defence which the NIO highlighted was in keeping with the CJR focus on prosecution witnesses.

7.22 Work processes are the subject of protocols with Court Witness Service, PSNI, DPP/Prosecution Service and Courts Service. These working relationships are reported to be effective. However there are still some details to agree with DPP on the referral form and with the Court Witness Service on standards. Inspectors were informed that one of the main frustrations the NSPCC has with the scheme is seeing the needs of children take second place due to delays and adjournments.

7.23 In February 2005 the NSPCC in partnership with Victim Support published a report “In Their Own Words” which was written around the experiences of 50 young witnesses involved in criminal proceedings in England, Wales and Northern Ireland. The report clearly highlights the views of four young people and the YWS in Northern Ireland which includes comments on:

- feedback from the YWS;
- special measures and witness choice;
- the presence of a supporter;
- therapy needs;
- refreshing the witnesses memory;
- delays;
- arrangements and physical facilities;
- meeting with advocates and judiciary;
- Youth Court;
- witnesses giving evidence twice.

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.

## **Magistrates' Court Witness Service**

- 7.24 A model for a Magistrates' Court Witness Service (MCWS) was developed by VSNI and a decision taken with the NIO to pilot a scheme in Belfast Magistrates Court. The service which commenced in June 2004 was scheduled to be evaluated in December 2004 but the operation of the pilot was extended until March 2005 to facilitate an independent evaluation. In addition a VSNI internal self-assessment was undertaken in November 2004.
- 7.25 Similar to the other witness schemes the service was not extended to include defence witnesses. There is also a huge gap in that there is no service for young witnesses in the magistrates' court. Inspectors were informed by the NIO that there were no resources identified to facilitate a roll out of the MCWS across other Magistrates Courts in Northern Ireland until at least 2008 or unless economies can be made within the existing structure, or reallocate funds.
- 7.26 Inspectors were advised that the lack of volunteers for the witness service means that co-ordinators are undertaking volunteers work which has an impact on the effectiveness of management of the schemes. VSNI advised Inspectors that some partners had been unaware of their services, stating that a Witness Service would be provided at any Court, whereas in fact the pilot was confined to the Belfast Magistrate's Court and there was no prospect of additional funding to develop the service.
- 7.27 There are good working relationships with the PPS Community Liaison team who supply timely information to facilitate planning and contacts to be made with PSNI. MCWS staff informed Inspectors that they need more notice of special measures cases and need to know how many people to expect due to accommodation pressures within Laganside. A NICtS representative normally helps the service by sitting with witness in video link cases, which are increasing.
- 7.28 Some issues which MCWS staff would value more support with include:
- the prosecution do not always get a chance to speak to witnesses prior to court when some witnesses would value contact;
  - police officers in charge of the case do not always have copy statements;
  - witnesses do not find out what is happening in cases on the day and MCWS has to chase up and explain why the witnesses have kept waiting;
  - when prosecutors do speak to witnesses sometimes legal jargon is used and it is clear that witness do not understand what is happening and MCWS has to explain;
  - provision of more adequate accommodation to effectively cope with the number of people and type of cases.

- 7.29 Inspectors were informed that there are monthly meetings with NICtS, CWS and YWS to share and feedback witness service experiences. Sometimes witnesses will come with other victim interest group representation which can be sensitive as sometimes they do not understand the court process and can intervene inappropriately. MCWS undertake witness surveys and benchmark findings against similar research in England and Wales.



## **Chapter 8**

### **Other Victim Services Within the Criminal Justice System**

#### **Compensation Agency**

- 8.1 The Compensation Agency schemes are underpinned by three pieces of legislation, which govern the eligibility for compensation. The main aim is that 'innocent victims of violent crime should be compensated'. Since the new scheme became operational there has been a reduction of 50% less claims in 2004 (7k) compared to 2002 (14k). During 04/05 23% of claims received an offer of compensation
- 8.2 Applications come to the Agency through VSNI, solicitors or personal application. Following a change in legislation the Agency will no longer pay legal expenses so if the applicant uses the services of a solicitor they now bear that cost. However, VSNI have been funded to supply free assistance to claimants who use their services. The Agency will now collate information such as medical reports and in order to do this efficiently protocols have been developed. In relation to the role played by PSNI some confusion exists as to development and enforcement of protocols impacting directly on the Agency as these are normally agreed between NIO (the Agencies funding body) and the PSNI. This has caused the Agency some difficulties in that it is not always clear there is an understanding of their corporate stewardship responsibilities. For example, there is increased flexibility with regard to the time line for reporting the crime to the police. If the applicant has done everything in their power to assist in apprehending the offender, and the police support this, the Agency will consider accepting "a timely application" rather than rigidly applying the previous 48 hour reporting time limit.
- 8.3 The Agency is keen to develop effective partnerships with the PSNI with a view to resolving difficulties. In essence there are good working relationships with the Crime Operations Department but the difficulties arise with DCU officers not supplying information within agreed timescales. This is where the Agency has tried to forge links to improve performance and they have met with several DCU representatives within the Greater Belfast and Londonderry regions. 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.

- 8.4 A WP6 form outlines the opinion of the police in respect of each claim. The Compensation Agency is explicit that it should only include facts and appropriate intelligence to facilitate decision rather than subjective opinions and that the police officer should be prepared to confirm views shared before the Appeals panel if required to do so.
- 8.5 Paragraph 83 of the Northern Ireland Criminal Injuries Compensation Scheme 2002 places a duty on the Chief Constable to share with the applicant anything sent by Police to the Agency. It is unclear whether the PSNI comply with this requirement as Inspectors were informed that there is little evidence of it happening.
- 8.6 The Agency's aim during 04/05 was to make a decision on 50% of applications within twelve months unless a Court Case is pending. It is currently working to clear a significant backlog of claims and is not at present attaining its performance target. Applicants are notified of receipt of the police information (normally not inside four months) stating that nothing is likely to happen for a minimum of a further six months. Significant progress has been made during the year 2004/05 and the overall backlog of claims awaiting assessment has been reduced from 10,270 to 8309.
- 8.7 An equality impact assessment of policy was undertaken at the time the Agency was created. There has been no review or monitoring of how policies and procedures are working in practice since then. It was acknowledged that although some internal processes have been reviewed, for example, in regard to medical matters, the priority for the Agency has been reducing backlogs and other monitoring, for example, pursuing receipt of outstanding PSNI reports.
- 8.8 There is a healthy tension and mutual professional respect between the Agency and VSNI. The Agency undertakes an applicant satisfaction survey every second year, the last results were described as "more positive than expected".

### **Northern Ireland Prison Service**

- 8.9 The NIPS Victim Information Scheme came out of CJR recommendations to meet the requirement that victims can be provided with information about the final discharge of their offender and also can make representations in cases where temporary release is being considered. The scheme was established by the Justice Act 2002 and in essence is an information giving service normally without personal contact with victims.
- 8.10 The scheme applies to offenders who receive a sentence of six months or more. Using their prisoner information records the NIPS request the PSNI C2 Branch to send an information brochure to the victim after sentencing has occurred.

Following receipt and consideration of the information the victim can register their details with the NIPS. At the end of January 2005 there were only 91 registered victims in the scheme most of these related to “victims of serious and sexual assaults”.

- 8.11 The low take-up may be influenced by the timing and brochure type correspondence. Upon receipt of information the NIPS consider the eligibility and authenticity of the victim. Initially there were delays in this process due to the lack of prompt exchange of necessary information from the police and courts. These issues were addressed and more efficiency has resulted allowing the NIPS to assess information and assess the earliest release date which they communicate to the victim.
- 8.12 The NIPS retains no information as to the number of cases where representations have been made by victims in relation to temporary release and consequently Inspectors and management were unable to assess if representations had influenced decisions taken. An equality impact assessment was undertaken at the launch of the scheme and as “no issues have come to the fore” the Prison Service has no plans to undertake another review.
- 8.13 VSNi expressed concern about the impact the scheme can have on victims at a vulnerable time within the process. Inspectors found that there was no support system in existence for dealing with the distress potentially aroused by the provision of this information.

### **Probation Board for Northern Ireland**

- 8.14 The work of PBNI has traditionally been focused on working with offenders rather than victims. The core of their work is to minimize re-offending and therefore ultimately reduce the number of victims of crime in the future. However, it is proposed that PBNI will have a more direct role with victims through the development of a Victim Information Scheme, which currently requires legislation to facilitate implementation. PBNI envisage a small centralised unit based in Belfast will administer the scheme with outreach around the country. PBNI under existing legislation prepare reports to the Courts and Life Sentence Commission assessing offenders’ risk and management in respect of victim awareness and risk of harm issues. The CJB should undertake 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”.

- 8.15 PBNl have developed and contributed to initiatives that can contribute to public confidence and assistance to victims. Examples would include:
- Domestic Violence** – PBNl are involved in the regional steering group on domestic violence, they have developed policy with other partners including PSNI and Women’s Aid which aims to prevent re-occurrence. The perpetrator is encouraged to attend a program only if they agree that the victim is informed. PBNl would like a more joined up approach between agencies with regard to domestic violence and highlighted the “tackling violence at home” initiative as a good practice.
- Sex Offenders** - PBNl is involved in a programme in conjunction with the EHSSB to support partners of sex offenders who may or may not be the victim. The NEXUS Institute and other agencies also provide input to this programme.
- Course for Drink Drive Offenders** - PBNl managed the pilot scheme in Belfast and Newtownabbey between 1998 and 2000 and since 1 January 2001 this programme has been available throughout Northern Ireland. Over 1000 individuals have attended the 9 session programme. The scheme is aimed at first or second time offenders who pay £150 for the course and, if they successfully complete, they are eligible for a 25% reduction in their driving disqualification. There is direct input to the course from either the Campaign Against Drink Driving (CADD) or the Road Trauma Support Group (RTSG) and a video recording has been made of these presentations if the CADD/RTSG representative is unable to attend.
- Training** – All PBNl staff have been given training to raise their awareness of victim issues. PBNl are currently developing and approving a Victim Awareness Programme which will be undertaken as part of supervision places with the new supervision standards for offenders.
- 8.16 PBNl has membership of the VVIW Steering Group which they considered has been making a positive impact. They considered that the group could benefit from increased representation from other organisations involved in victim and witness service delivery. The development of a dedicated website and the provision of a ‘walkthrough’ system for victims was being supported by the group.

## **Chapter 9**

### **Inter-agency Cooperation**

- 9.1 Inspectors found good examples of inter-agency working, particularly through the development of roles within VVIW, and also at local levels based on local forums and case-working contacts. Various examples of formal protocols, draft arrangements and understandings exist at corporate and local levels. However, there is a need to regularise partnerships between agencies, and between agencies and the voluntary sector, to ensure a common understanding of objectives and a shared commitment to providing so far as possible a seamless service to victims and witnesses. The use of protocols, service level agreements and memorandums of understanding would help to ensure consistency. Two recent areas of particular good practice were:
- Foyle District Partnership protocol (January 2005) – to tackle the problem of homophobic attacks, hate crime, fear of attack, suicide, self harm and the incidence of domestic violence. (15 partners)
  - Victim Support, Court Witness Service, NSPCC and NI Court Service Partnership protocol (January 2005) to maximise the support services available to vulnerable victims and intimidated witnesses.
- 9.2 There are no protocols established directly between the Compensation Agency and the PSNI, but rather through the NIO. Good working relationships exist with the Crime Operations Department of PSNI, but difficulties arise with DCU officers not supplying timely information. The Agency has been unable to satisfactorily address this issue with the PSNI.
- 9.3 Inspectors received a wide variety of views on the adequacy of courthouse accommodation and facilities that are available for victims and witnesses, the statutory agencies and voluntary bodies. Local agreements have attempted to make best use of available accommodation but some users expressed concerns about limitations and how some dedicated facilities can be abused other users.

### **Delay of Information Exchange**

- 9.4 Some examples highlighted to inspectors included problems with service delivery by VSNI due to inconsistent practices across the police DCUs, which resulted in delays of 3 – 8 weeks in contact being made with victims. In addition, VSNI indicated that some police DCUs sifted reported crime before deciding whether to offer a referral to VSNI.
- 9.5 Victims and witnesses were often critical of the reluctance of agencies to share information with them at each stage of the process. The onus was on individuals

to make contact with the statutory agencies they emphasised they were treated as a file rather than a human with needs. It is important that victims be provided with or can have easy access to quality information about their own case and how it will pass through the system with ownership being clearly identified at each stage.

### **Court User Forums**

- 9.6 Court User Forums have been developed in courts to establish better communication channels and a joined-up approach for all court users. These forums were, however, regarded as not being effective in relation to victims' and witnesses' issues because of the frequency of meetings and the predominance of other issues on their agendas.

### **Joined Up Service Delivery to Enhance Customer Care**

- 9.7 There is a lack of understanding and knowledge of joint policies, plans, procedures and management information across the agencies and voluntary sector. One very specific concern related to 'special measures' facilities. Evidence of lack of co-ordination ranged from victims and witnesses not knowing that they could be requested, to police not being familiar with the procedural guidance or not being trained in its application, and defence representatives not being in favour of their use.
- 9.8 Upon further research and enquiries into the legislative powers contained within the Criminal Evidence (NI) Order 1999 Inspectors were directed to the Achieving Best Evidence in Criminal Proceedings (NI) Volume I Booklet. This guidance was produced through the VVIW based on a Home Office publication that had been adapted for Northern Ireland. While this booklet provides excellent guidance its existence was not widely known of by some agencies or partners.

### **Perceptions of Voluntary Sector Role**

- 9.9 Through focus groups voluntary organisations considered that they were not treated as equal partners by the statutory agencies and had to "fight to be taken seriously".

### **Victim Support Northern Ireland**

- 9.10 VSNi role is to provide support services to victims and witnesses of crime. They are an independent, voluntary sector based organisation funded by the NIO that offer a free and confidential service, irrespective of whether or not a crime has been reported. Trained volunteers and staff are based in a network of branches across Northern Ireland that provides emotional support and practical help to all victims of crime who wish to use their services. They also deliver a Criminal

Injuries Compensation Service, the Court Witness Service and also work to increase awareness of the effects of crime and to achieve greater recognition of victims' and witnesses' rights. VSNI staff informed Inspectors that there are various sources of referral through: victims directly, solicitors, doctors, ethnic minority groups, Citizen Advice Bureaus, Housing Executive, Social Services, NEXUS and Women's Aid. The majority (86%) are made through PSNI, some staff considered the organisation was too dependent on PSNI referrals, which meant that potentially it was dealing with less than half of all victims (that is, the 41% of crime that was reported), and that they could be seen as providing services mainly to the Protestant community.

- 9.11 VSNI is looking at ways of obtaining more referrals from other sources. For example, people in predominately nationalist or loyalist areas tend to report crime to the local community based restorative justice schemes. VSNI had until recently a referral service based at the Ulster Hospital at Dundonald, however funding for the project by the local Health Trust has recently been discontinued. The service had great potential by offering engagement with victims who might not otherwise go to the police. Statistically it attracted referrals from victims of domestic violence, race, homophobic or sexual assault crimes. Inspectors found there was a need to expand this type of service to operate more evenings and at weekends and to widen it to other hospitals in Northern Ireland. VSNI management recognise the need to secure funding for wider hospital coverage across Northern Ireland.
- 9.12 VSNI focus groups reported effective working relationships with PSNI but expressed concerns that their role was not always valued and that they were seen as “do-gooders”, “listeners” and the “twin set and pearls brigade”. They also indicated that they needed to widen their referral sources and engage with other sources of victim referral.
- 9.13 Inspectors received very positive comments from victims about the supporting role provided by VSNI. However there is no evidence of independent evaluation or research to show that the services provided by VSNI were meeting the actual needs of customers and represented good value for money in terms of support for victims through the CJS. The NIO have expressed some ambivalence over the VSNI strategic plan, in that, performance management cannot be easily established due to the lack of specific measurable targets. Both VSNI and NIO consider they both need to have a more mature business like relationship, for example, VSNI believe they are micromanaged in terms of personnel expenditure, but that they have more flexibility in non-pay expenditure and the NIO are working with VSNI to establish improvements in management information to ensure the effectiveness of service delivery can be measured.<sup>2</sup>

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<sup>2</sup> This will be the subject of a separate review by CJI in early 2006.

- 9.14 One of the key risks the organisation faces is the ability to get referrals in time from partners, mainly PSNI and reduce any delay in contact with the victim. VSNI staff explained on the other extreme VSNI needs not to hold on to customers too long, but to refer them on promptly to the appropriate Agency. They felt there needed to be greater clarity for the organisation, for victims, for the staff and partners about its purpose, aims and objectives. Some VSNI staff indicated a vision for the organisation would be as an early intervention service, so there should be no delay, with a wider remit of assistance and a connector service with links to other statutory and voluntary services.

### **Ethnic Minority Groups**

- 9.15 Some of the groups and victims representing the ethnic minority communities in Northern Ireland indicated that they were reluctant to engage with police. Upon further discussions this was mainly due to:
- experiencing poor service when reporting incidents to the police;
  - language becoming a barrier (despite good access to interpreter services);
  - their perception that “state authorities are corrupt” based on their experience/views from their country of origin;
  - fear that a complaint made against the police will result in harassment or lack of service in future;
  - reluctance of the police to regard and record incidents as racial despite use of the Macpherson definition and the guidance to officers in General Orders 91/94 and 92/97.
- 9.16 Just over eight hundred (813) racial incidents were recorded by the PSNI during 2004/2005, an increase of 360 (79.5%) from 2003/2004. The overall clearance rate for racial incidents was 15.9%, clearance rates for all classes during 2004/2005 was recorded at 28.2%. Inspectors identified that clearance rates were not in compliance with Home Office counting requirements. Inspectors were advised that the PSNI is currently reviewing its hate crime policies and that plans are in hand to develop training for officers across the service. The 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.

### **Domestic Violence**

- 9.17 In February 2005 the government launched a major initiative to raise the public awareness about domestic violence as a result of public consultation through the “Tackling Violence at Home” paper. Inspectors were advised that although the Domestic Violence policy and framework is being put in place no formal protocols exist. Representation of agencies including the NIO, NICtS, PSNI and



DPP/PPS on Domestic Violence Forums has been evaluated as being of great value.

- 9.18 The Domestic Violence Officers (PSNI) role has changed to be more Investigatory but members of Northern Ireland Women's Aid Federation (NIWAF) considered the success of the service was down to personalities and their experience rather than standards. Inspectors were provided with examples of where some officers had excellent skills and experience in dealing with cases and of others that were not so good in terms of care and appreciation of the wider issues. NIWAF indicated that women who have children and report domestic violence are routinely referred by PSNI to Social Services, if they had known of this they may not have reported the crime.
- 9.19 NIWAF is appreciative of the improving working relationships that have been developed with the Court Service. Provision of facilities at local court venues and awareness training for Court staff have been two of the main achievements. Similarly good outreach has been established with the DPP/PPS with links to training, meetings and conferences.

### **Sexual Crime**

- 9.20 The NEXUS Institute provides counselling and support for all victims (over the age of 17 years) whether they have been sexually abused as children or adults. They also provide support groups for victims, partners and family members and undertake educational and public awareness work in the community. Nexus is contacted by approximately 4000 people annually and operate from over thirty locations across Northern Ireland. The majority of clients are not prepared to make a formal report to the police.
- 9.21 Victims of sexual abuse are reluctant to report the crime for reasons including:
- fear of perpetrator;
  - fear of disbelief;
  - fear of being blamed;
  - fear for family;
  - shame and or guilt.
- 9.22 NEXUS facilitates a support group JESSA (Justice and Equality for Survivors of Sexual Abuse). With the adversarial nature of the legal system NEXUS consider that a Victims Advocate should be considered to advise, inform and support the victim through the CJS.

### **Lesbian, Gay, Bi-Sexual and Transgender (LGBT) Community**

- 9.23 While legislation is developing to better protect the rights of the LGBT community reported incidents of homophobic attacks are increasing. The Police

introduced a Homophobic Monitoring Policy in 2000. Police statistics show a significant increase in the number of homophobic incidents reported over the past three years:

<b>Year</b>	<b>Incidents Reported to Police</b>
2002/03	35
2003/04	71
2004/05	196

The number of homophobic incidents increased from 71 recorded in 2003/04 to 196 in 2004/05, an increase of 125 (176%). The overall clearance rate for homophobic incidents was 22.5%, 5.7% less than clearance rates for all classes during 2004/2005, recorded at 28.2%.

- 9.24 Inspectors were informed that members of the LGBT community are still reluctant to come forward to report homophobic crime to the police for a variety of reasons including:
- “outing” of an individual who would prefer to retain privacy;
  - impact on other relationships with family, friends and colleagues;
  - lack of trust in confidentiality of police;
  - no desire to give evidence in a public court;
  - possible media coverage.
- 9.25 One voluntary body was asked to give a presentation to a group of Minority Liaison Officers which required them to take leave from their employment. Their slot was after lunch but they attended for the full session, however the majority of officers left early before delivery of their presentation. They lost faith in the police commitment as a result and upon further evaluation of the day identified that the other sessions were flawed due to reference to procedures in a different jurisdiction. There is a feeling within the community that all police officers need to be trained in the sensitivities of managing the reporting of this type of crime.
- 9.26 The PSNI Foyle District Command Unit, Rainbow Project and fourteen other partners have developed the Foyle District Partnership protocol (January 2005) to tackle the problem of homophobic attacks, hate crime, fear of attack, suicide, self harm and the incidence of domestic violence. This is being seen as a model of best practice but requires to be evaluated after a period of one year to see if the stated benefits are realised.

## **Chapter 10**

### **Governance arrangements**

#### **Strategy and planning**

- 10.1 The Northern Ireland Office (NIO) has overall responsibility for co-ordinating the development of victims and witnesses policy within the criminal justice system in Northern Ireland. They also have accountability for the funding arrangements of most of the statutory and voluntary agencies involved in service delivery and support roles. Criminal justice service delivery, including the provision of care for victims and witnesses, is strategically managed through the work of the Criminal Justice Board (CJB), which comprises the heads or senior representatives from: Police Service of Northern Ireland, the Department of the Director of Public Prosecutions, Northern Ireland Court Service, Probation Board for Northern Ireland and the Northern Ireland Prison Service and the Northern Ireland Youth Justice Agency under the chairmanship of the Northern Ireland Office.
- 10.2 The CJB's remit was stated in 2001 as being "to secure improved service to the public through better co-operation, co-ordination and accountability in the administration of the Northern Ireland Criminal Justice System". These aims featured regularly within the inspection interviews and focus groups as being of key importance to both users and providers of victim and witnesses care systems.
- 10.3 From the strategic work of the CJB each agency is responsible for developing plans to ensure that services are delivered efficiently and effectively. During the inspection little evidence was found of specific operational objectives or performance measures to provide assurance that services to victims and witnesses were being delivered effectively and to a standard.
- 10.4 Inspectors found some confusion about the policy. While agencies are undertaking some good work on the ground and developing local initiatives there is a lack of joined up approach. The confusion centres on the communication and understanding of policies and procedures, the roles and responsibilities of front line service providers, and the working relationship with other agencies and voluntary sector bodies. The CJB needs to develop a transparent comprehensive strategy within the CJS to co-ordinate a joined-up and consistent approach for the provision of care for victims and witnesses from the statutory agencies and their partners in the voluntary sector bodies. Such a strategy is required to help agencies provide a seamless service by facilitating the development and co-ordination of plans, maintaining effective communication, agreement of partner responsibilities, identification of risk and control activities

that will help determine corporate and operational objectives and associated performance measures.

- 10.5 There needs to be a greater appreciation that all the agencies share responsibility for victim and witness care. There is not a sufficiently clear understanding of the overall system or accountability by those delivering the service. Some of the comments made to inspectors included:
- “passed from pillar to post”;
  - “batted between the agencies”;
  - “it’s not our responsibility to look after victims and witnesses”
  - “we provide the room and facilities but other agencies do the looking after”
  - “one organisation does not know what the others are doing”.

### **Communication**

- 10.6 While inspectors found some examples of excellent communication between agencies particularly in relation to high profile cases, fieldwork also confirmed there is a significant lack of communication at all stages of the process impacting on service delivery between victims and witnesses, the statutory agencies and the voluntary sector support bodies.
- 10.7 The promptness of information exchange is an important issue for all parties and can be affected initially by concerns over prompt reporting of crime, completion of paperwork and recording of crime, entering on system and issue of standard letters, sifting and timeliness of referrals to VSNI. Some victims expressed concern at the time taken to process their cases through the prosecution and court stages which affected their ability to “move on with their lives and get closure”.

### **Training and Development**

- 10.8 There is no strategy to co-ordinate training across the agencies. While training in victims and witness care is patchy across the criminal justice system there are examples of good practice with cross agency and cross sector training and development opportunities.
- 10.9 The PPS pilots in Belfast and Fermanagh and Tyrone have made good strides in enhancing the provision of care through the development of the Community Liaison Units. Staff in these units have received a programme of training including sessions with VSNI and joint training protocols are being developed with NSPCC and VSNI. A training, educational, procedural and legislative package has been placed on the PPS Intranet for the use of all staff guiding them through special measure applications.

- 10.10 The DPP is dependent on police for special measure referrals but as yet they are not consulted on the training needs of operational PSNI officers so therefore they do not know the training standards or numbers requiring training. There are no joint training committees with external partners.
- 10.11 In focus groups with PSNI officers Inspectors were informed that there is no stand alone training on victims and witness care for police recruits. Issues impacting on victims and witnesses are covered in modules of: Police Ethics; PACE; Human Rights; Criminal Justice System and PEACE Interviewing. Inspectors were advised that there is no standard or consistent approach and some trainers may emphasis victims and witness issues more than others. Recruits do not learn how to give evidence in court or case management and there are no linkages between the foundation syllabus and tutorship, and no linkages to the foundation course in criminal investigation. Inspectors were also advised that some DCU Commanders no longer supported mentoring on such matters for newly appointed officers.
- 10.12 The voluntary sector organisations are keen to participate with the statutory bodies to help increase awareness of their role and specialist service and needs of clients. There is a strong public interest in countering domestic violence which has resulted in the Northern Ireland Women's Aid Federation providing training with the main agencies.
- 10.13 Some voluntary bodies expressed concern regarding the training approach being adopted by some agencies. While they felt they were consulted about training issues they questioned the level of commitment to design training that would have the necessary beneficial outcomes for the groups they represented. Some viewed the contact as superficial and more akin to "box ticking" rather than getting them actively involved in the development of training that would have tangible benefits for their organisation based on the scarce resource being committed.

### **Service Delivery and Performance Measures**

- 10.14 Northern Ireland does not have a Victims Charter or a published set of minimum standards of service delivery for victims and witnesses. There is a Victims of Crime Code of Practice, which was issued in February 1998, but it makes no reference to performance measures. It has never been monitored or evaluated, and now needs to be reviewed and updated (the then Secretary of State indicated that this would be done in 2000).
- 10.15 Baselines in respect of victim and witness satisfaction surveys need to be established to provide a monitor of the quality of services delivered by the CJS. A framework has been developed by the Office of Criminal Justice Reform in England and Wales and the approach has been endorsed by their National

Criminal Justice Board this could form the basis of an approach for Northern Ireland. To be effective it will need to be regularly updated to confirm the status of customer satisfaction, and it would also be helpful to statutory agencies to help demonstrate progress made by the CJS and provide transparent links to ensure that continuous improvement can be measured. A centralised function may be best placed to co-ordinate customer survey and baseline reporting.

10.16 Some examples of indicators to establish a management framework might be:

- the number of victims reporting a crime who are satisfied with the service they received from the police;
- the number of victims who are satisfied with progress updates about their case from the police;
- the number of victims notified of VSNI service and the number who accepted the support;
- the number of witnesses who are satisfied with information supplied by the CJS;
- the number of witnesses who are satisfied with how well they have been updated about progress in their case.

### Transparency and sharing of policy

10.17 The Victims, Vulnerable and Intimidated Witness (VVIW) Steering Group, whose aim is to provide a focus for the consideration of victim and witnesses within the CJS, reports to the CJB on progress on an annual basis and on request in relation to specific issues such as the CJR recommendations. To undertake discrete areas of work the Steering Group has a number of sub-groups, all chaired by NIO civil servants:

- **Interpreters Sub-Group** – with the aim to develop a uniform list of accredited and independent interpreters. A standard list of interpreters has been developed and the group is now considering movement towards accreditation;
- **Provision of Information to Victims and Witnesses Sub-Group** – with the aim to provide focus for agencies in the provision and development of information to victims in support of the CJR. The group is currently developing a victim and witness walkthrough document and website which will take a victim or witness through the CJS step by step, in a joined up way. It also addresses issues such as the NIPS and PBNi Victim Information Schemes.
- **Special Measures Sub-Group** – has now been “stood down”, the aim was to ensure the effective implementation of Parts II – IV of the Criminal Evidence (NI) Order 1999. Inspectors were informed that with the exception of intermediary issues all special measures have been now implemented. Inspectors were advised that an **Intermediary Sub-Group** was to be established to develop a list of intermediaries and

ensure implementation of the associated provisions of the Criminal Evidence (NI) Order 1999.

- **Achieving Best Evidence Sub-Group** – aim is to develop a Northern Ireland version of the Achieving Best evidence practitioner’s guidance (Volume 2).
- Inspectors were informed that the VVIW intended to establish a further sub-group **Special Measures Evaluation Measurement Group** although it was noted by Inspectors that the criteria for measuring the impact of special measures have yet to be determined.

- 10.18 It was unclear to Inspectors to what extent the civil servants within the Steering Group can hold the different agencies to account, either individually or collectively for the work undertaken in relation to victims and witnesses. Inspectors were informed that policy was developed in consultation with partners and then handed over to agencies to implement with the NIO holding lead responsibility. Inspectors saw evidence of this, with NIO staff chairing all sub-groups. The VVIW should develop 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.
- 10.19 The Special Measures Sub Group was established to “ensure the effective implementation of the Criminal Evidence (NI) Order 1999”. Good work was undertaken by the group including the development of Achieving Best Evidence (Volume 1) in Criminal Proceedings guidance. However, Inspectors were informed that the group has been “stood down” as the majority of legislation is now in place. Inspectors found that the embedding and application of special measures needs to be more clearly understood by all stakeholders. In addition, Inspectors were informed that there is no central recording or monitoring of information in relation to applications made to the court and the subsequent outcomes.
- 10.20 Having talked to members of the VVIW, Inspectors got no clear vision for future actions and objectives for the Steering Group. For example, members did not regard it as being in a position to address the issue of the lack of witness service for young people in either the Magistrates or Youth Courts or the development of concepts of performance management for example in relation to reducing ineffective trials or the setting of targets. Inspectors were informed it “expected to move towards” the provision of a service to defence witnesses although there was at present no formal policy in relation to this. 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;
- transparency of work processes to enhance public confidence.

10.21 Work is in hand in PSNI to develop a victim and witness policy – a draft discussion document was presented to VVIW in September 2004, further work has been undertaken and a draft policy is being developed. The Office of the DPP updated its 1997 policy in early 2004. It is now regarded as operational, but officially it is still in draft as “work in progress”.

10.22 The policies and procedures of the CJS relevant to victims and witnesses are not well understood by the public. A number of interviewees informed inspectors that their knowledge was based on procedures they had seen in fictional television programmes. Work is proceeding to develop a “walk through document” and a victim website which may assist with these issues. 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.

10.23 There was a perception that the CJS was driven more by the needs of the legal practitioners and the rights of the perpetrators of the crime rather than those of victims and witnesses. This is linked to the adversarial nature of the CJS.



## **Appendices**

1. Background the historical context
2. Community Restorative Justice Schemes
3. Stakeholder Participation
4. Inspection Findings relevant to the recommendations of the Criminal Justice Review
5. References
6. Inspection Methodology

### **Background the historical context**

#### **International standards**

The provision of care for victims and witnesses was recognised internationally through the “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” by the United Nations in 1985. The declaration outlined how victims should gain access to justice, fair treatment, restitution and assistance. In particular the declaration underlined the requirement to treat victims with compassion and respect and described mechanisms for improving the responsiveness of judicial and administrative processes. These included the provision of information to victims about the progress of cases, allowing the views of victims to be made known, assistance and support during the legal process, avoiding delay in investigation and determination and measures to minimise inconvenience, protect privacy and prevent intimidation. These principles influenced the focus of reform in Northern Ireland.

#### **The Belfast (Good Friday) Agreement**

The Belfast Agreement reached in 1998 provided the underpinning for recent policy developments and modernisation of practices in relation to provision of care for victims and witnesses in Northern Ireland. The Agreement also sets out the agreed arrangements for institutional change such as the reform of the police and the criminal justice system in general, which paved the way for the Patton Review of policing and the Criminal Justice Review (CJR).

#### **Criminal Justice Review**

The need to focus on victims and witnesses of crime was addressed within the CJR which reported in March 2000. The review highlighted 294 recommendations for change across the criminal justice system, 16 of which focused on change to enhance the care for victims and witnesses. An Implementation Plan was developed across the criminal justice agencies to track progress with implementation of the recommendations which is regularly reviewed and reported upon by Lord Clyde, the Justice Oversight Commissioner, most recently in July 2005.

In 1998 a Vulnerable and Intimidated Working Group, (later known as the Victims, Vulnerable and Intimidated Witness (VVIW) Steering Group) was set up to consider the 78 recommendations contained in the ‘Speaking Up For Justice’ report, an interdepartmental report published in England and Wales, and to make recommendations as to how to improve access for vulnerable or intimidated witnesses in Northern Ireland. This report focused on the needs of vulnerable or intimidated witnesses in the criminal justice system in England and Wales and arose out of concerns that although measures were in place to assist child witnesses, many adult victims and witnesses found participation within the criminal justice process both traumatic and

stressful. This was particularly true for those who were vulnerable because of their personal circumstances and there was also concern that some witnesses were potentially denied justice as a result of being deemed incapable of giving evidence.

Following acceptance by Ministers of the working group's recommendations some of which involved extension of legal provision of England and Wales to Northern Ireland (the Criminal Evidence (NI) Order 1999 – known as 'special measures') and some of which could be achieved administratively, the group continued as an implementation steering group. Subsequently, the CJB decided that the group, with expanded membership, should also consider victim and witness issues arising out of the recommendations of the CJR. The group then became known as the VVIW and since it first met in September 2002 it has created a number of sub-groups (see chapter 10) aimed at focusing on specific initiatives.

### **Victims of Crime Code of Practice**

The NIO publication: "Victims of Crime – Code of Practice" which was published by the Secretary of State for Northern Ireland in 1998. The Code was a response to the recognition that victims of crime too often felt neglected by the criminal justice system and it attempted to set out the level of service that criminal justice agencies were committed to delivering. It was prepared by a Steering Group which drew representation at that time from the main criminal justice agencies: Northern Ireland Office, Royal Ulster Constabulary, Director of Public Prosecutions, Court Service, Probation Board, Prison Service and Victim Support NI.

### **Victims of the Troubles**

Sir Kenneth Bloomfield (former Northern Ireland Victims Commissioner) issued the 'We Will Remember Them' report in April 1998. The report on victims of the troubles provided the basis for the development of a range of specialist services and interventions aimed at those affected by the Troubles. In addition to the work of the Victims Liaison Unit within the Northern Ireland Office, the establishment of the Victims Unit in the Office of the First and Deputy First Minister of the new Northern Ireland Assembly offered coordination between the various services. These included the establishment of a Memorial Fund, a grant programme for voluntary organisations and various other measures, all of which are specific to those affected by the Troubles, and not available to those victimised by ordinary crime.

### **Victims' and Survivors' Commissioner**

At the beginning of March 2005 the Secretary of State announced proposals for a Victims' and Survivors' Commissioner as part of the consultation on the future of services for victims and survivors of the Troubles. Indeed, provision for victims of the Troubles is made outside of the criminal justice system, and therefore this group of special victims did not form part of this inspection.

## Victims of the Troubles

As a divided society Northern Ireland experienced over three decades of violent conflict, as a result of which over 3,700 people lost their lives and the “rippling effect” of this impacted on a much larger number of people which illustrates the wide and complex issues which need to be considered for the victims of the troubles. The Belfast Agreement marked the beginning of a new phase of Northern Ireland’s history, with the paramilitary ceasefires giving rise to a marked reduction in the level of violence. An examination of the Agreement reveals two distinct ways in which issues related to victims and witnesses are addressed. First, the Agreement addresses issues of victims and witnesses under the heading of ‘Reconciliation and Victims of Violence.’ There, the Agreement addresses the situation of those directly impacted by the violence of the conflict, as distinct from those victimised by ordinary crime. The Agreement recognised:

‘that victims have a right to remember as well as to contribute to a changed society... The participants particularly recognised that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based in international best practice. The provision of services that are supportive and sensitive to the needs of victims will also be a critical element and that support will need to be channelled through both statutory and community-based voluntary organisations facilitating locally-based self-help and support networks. This will require the allocation of sufficient resources, including statutory funding as necessary to meet the needs of victims and provide for community - based support programmes.’ (*GFA paragraph 12, Rights, Safeguards and Equality of Opportunity.*)

With the advent of the ceasefires, the Agreement and the now-suspended Assembly, the level of victimisation as a result of the Troubles diminished significantly. However, in common with other societies in the transition out of violence, the grey area between politically motivated violence and criminal violence has grown. Sectarian attacks, racially motivated attacks and homophobic attacks all more recently regarded as hate crime, which previously would have been regarded as ‘minor’ troubles related incidents.

The second way in which the Agreement addresses the issue of victims and witnesses is where it sets out the agreed Rights, Safeguards and Equality of Opportunity. Two specified rights are particularly relevant, namely, ‘the right to freely choose one’s place of residence’ and ‘the right to freedom from sectarian harassment.’ The inclusion of these rights point to a more common form of victimisation that occurs as a result of the divided nature of Northern Ireland society, namely sectarian harassment. During the years of intense conflict, such harassment also existed, but perhaps because of the prevalence of more extreme forms of violence and death in the conflict, it was not a focus of attention to the same extent. Since the peace process, however, sectarian attacks on homes, beatings and intimidation have received more attention, particularly with the introduction of hate crime legislation. It is difficult to ascertain whether this is due to higher visibility of such crime, or actual increased incidence, since no robust monitoring method has been in place over a sufficient time period. In other societies in

transition out of violence, increases in criminal violence, bigotry and hate crime have been similarly noted.

Sectarian division is not the only fault-line in Northern Irish society. Victimisation of ethnic minorities, immigrant workers, asylum-seekers, the elderly, young people, gay, lesbian, bisexual and transgender people, and others is increasingly visible and a subject of media attention.

## Community Restorative Justice Schemes

### Northern Ireland Alternatives

- 1 Alternatives is a community based restorative justice project whose staff and volunteers come from and live in the greater Shankill area of Belfast. Since November 1998 it has sought to combat anti-social behaviour and worked to reduce the use of violence to punish young offenders. Examples of the offences that the programme deals with include: car theft, burglary, joyriding, vandalism, disturbing the peace, graffiti, harassment, intimidation and damage to property.
- 2 The aims of the Alternative project are to:
  - reduce and eradicate paramilitary punishment attacks by providing non-violent alternatives;
  - provide effective, non-violent, restorative responses to anti-social behaviour in local areas;
  - positively influence the formal justice system and help reshape official policy;
  - heal relationships within the community and between the community and statutory agencies.
- 3 In their restorative justice approach to crime “the victim’s perspective is central to deciding how to repair the harm that has been done. Offenders are encouraged to take responsibility for their actions. Victims suffering is acknowledged and the victims needs determine what is needed to put things right. Restoration replaces punishment as the best way.” They provided Inspectors with some quotes from victims they have worked with:

“Windows can be repaired in half an hour, but feelings can’t be;” and

“Meeting with him (the offender) was hard but very worth while. Got my stuff backs and also got answers”.
- 4 The staff informed Inspectors that within their community the CJS was seen as ineffective and not meeting the victims or perpetrators needs. Victims were “not getting a quick or effective response”. The alternative approach to restorative justice is being seen as effective on the ground and has resulted in co-operation from local based criminal justice agencies. Its service are developing to cover other areas in Belfast and the Kilcooley area of Bangor but are constrained by resources.
- 5 Staff of the project did not feel that the PSNI were effective on the ground in their area. They indicated that the main issue was response time from reporting a crime to hearing what was happening. Instead they are in the community and work

promptly upon a matter being referred. They indicated that PSNI command the respect of the older members of their community but not of the younger group this may influence the level of reporting. They indicated that while “money was being pumped into VSNI yet their services were not being addressed into the working class communities” and this is where trained volunteers from their organisation could make contact with victims much sooner. They have developed a Community Victim Support Project with two staff and building capacity for a volunteer structure. They have approximately 30 volunteers in the Shankill project ranging in age from 16 – 70 years old. They look at the victims needs from a very wide point of view and keep in contact with them through a mobile phone network, visits to the office, and calls to their homes.

- 6 Alternatives staff consider that corporately the statutory agencies and other voluntary sector bodies see their organisation as contentious and are uncomfortable with any form of engagement. However at local level relationships have been established with PSNI, PBNI, NIHE and Social Services. Acceptance of their role has placed limitations on their services and is viewed as a barrier that they are keen to break down to secure assistance, mutual understanding and appropriate funding.
- 7 Staff liaise with the Protestant Interface Network (PIN) to help resolve sectarian tensions and also to police contentious parades on interface areas with their community. Staff indicated that they have worked with young people who go out looking for something to do and end up getting into trouble. To counter such activity they have taken them out of their own area at specific times and also got them involved in community work helping pensioners. They indicated that young people forget the impact that this can have for residents on interface areas.
- 8 Staff indicated that to develop their service which supports and compliments the objectives of any justice system they need government bodies to:
  - validate their organisation and process;
  - help secure appropriate funding;
  - support two way training and development of staff;
  - acknowledge the help given to statutory agencies
- 9 Alternatives staff gave Inspectors a summary of statistics from their last published evaluation (1998 – 2001):

### **Referral Sources**

48% of referrals came from paramilitary organisations  
27 % came from community sources  
18% from Social Services

## **Referrals by Crime Type**

31% theft  
21% malicious damage  
18% theft of car and joy riding  
7% disruptive behaviour or assault

## **Involvement & Commitment**

86% of young people once referred formulated a contract within one month  
64% of contracts were successfully completed within six months  
76% of cases involved meeting the victim  
58% of cases involved previous or current statutory involvement.

## **Community Restorative Justice Ireland**

- 10 Inspectors were informed that the origins of CRJI lie in the desire of concerned people, inside and outside the Republican movement, to develop a peaceful alternative to violent punishments for alleged anti-social offenders in nationalist areas. During 1996 a dialogue took place between Republican activists and individuals in the voluntary and academic sectors. In 1997 a report “Designing a System of Community Restorative Justice in Northern Ireland” also known as the “Blue Book” was released which detailed the issues and proposed model for developing peaceful projects in the community as a “viable non-violent system of community based justice to replace the existing systems of punishment beatings and shootings in Northern Ireland”.
- 11 CRJI was formally constituted in May 2000 and through its restorative justice approach recognises that:
  - crime is fundamentally a violation of people and interpersonal relationships;
  - crime and anti-social behaviour create obligations and liabilities;
  - there is a need to heal and put right the wrongs.
- 12 CRJI staff indicated to Inspectors that the referrals made to CRJI may be self referral or through an organisation. In the case of self referral this will normally be the victim or complainant, but sometimes the perpetrator. Organisations that refer cases include community groups, Republican Movement, women’s centres, youth groups, NIHE, Social Services, landlords, schools and on occasions the PSNI.
- 13 Victim and offender conferencing is available where it is accepted that one party has been wronged and that the other is there to accept responsibility and try to repair the hurt caused. After discussion of the issues between parties a contract is usually devised where the offender is asked to give guarantees as to their intentions to make amends for their actions.



- 14 When possible, one or more mediation sessions are held involving the two parties and sometimes a representative of the referring agency. If mediation is not possible CRJI may negotiate a settlement with the parties but will not arbitrate. The outcome may be a mutually agreed resolution which is sometimes backed up by a written contract. There on occasions may be no formal resolution but the process of involvement has effectively reduced tension and solved the problem. The case is formally written up on a case record form and filed.
- 15 Inspectors were informed that CRJI is an “umbrella body” for autonomous, locally based member organisations. The central office employs four staff and is responsible for maintaining the quality of the practice of member organisations. There are four projects in Belfast, the Derry organisation is a charitable company in its own right with component estate based projects. There are also wholly voluntary projects in Newry, South Armagh and Tyrone. In total there are 15 offices, 12 members of staff and a structure of approximately 150 volunteers.
- 16 CRJI is mainly funded by Atlantic Philanthropies but also gets a number of grants from Peace II, regeneration funds and charitable foundations. There is a very high level of demand – the main projects together deal with 400 full recorded cases a year which involves approximately 2000 people. CRJI shared with Inspectors the following information in respect of their work in 2004:

Number of New Referrals	1741
Number of Clients	4883
Number of Cases Closed	1383
Number of Volunteer Hours	10338

- 17 CRJI staff informed Inspectors that in some cases the whole neighbourhood can be victims for example, joy riding incidents can impact on many people. They referred to a case which had received high media interest where a young person within one family was causing a lot of problems. The NIHE attempted to move the family but they could not proceed with action. The local community wanted to picket the house but CRJI highlighted that would victimise the mother and other children. This case was referred for counselling support due to domestic violence issues within the family.
- 18 CRJI accept any referral and following consideration of the issues they may re-direct it to other organisations to support. Most referrals are in respect of low level crime, neighbourhood or family disputes. Staff explained that CRJI is seen as a short term crisis intervention and mediation service and considers that VSNi should be seen as the longer term support.
- 19 CRJI informed Inspectors that the state agencies offer “so little for victims it is appalling”, in that they “are often left frustrated and powerless”. Within CRJIs approach they are empowered to make decisions that will help them achieve

closure. CRJI can normally offer a prompt service from start to finish within six weeks.

- 20 CRJI have helped to train volunteers to deliver a service in interface areas including resolution of sectarian conflict. They have contacts within loyalist communities and will work together to minimise sectarian disputes. NIO funded mobile phone networks are established on “both sides of the peace-line” with local community workers involved at early stages to calm situations down. CRJI staff consider that this approach has largely been successful.

### Participants in the Inspection

Requests for submission of views and comments in relation to the areas outlined within the terms of reference for this thematic inspection were issued to a wide number of statutory and voluntary organisations. CJI wish to thank all those who participated including:

<b>Organisation</b>
Victims and witnesses (individuals and groups)
Police Service of Northern Ireland
Department of the Director of Public Prosecutions
Northern Ireland Court Service
Northern Ireland Prison Service
Probation Board for Northern Ireland
Youth Justice Agency
Northern Ireland Office
Victims, Vulnerable and Intimidated Witness Steering Group
Victim Support Northern Ireland
Disability Action Northern Ireland
Northern Ireland Women's Aid Federation
NEXUS Institute
JESSA
National Society Prevention Cruelty to Children
Northern Ireland Council of Ethnic Minorities
Chinese Welfare Association
Confederation Of Sexual Orientation
Rainbow Project
Northern Ireland Housing Executive
Age Concern
Compensation Agency
Barnardos
Police Ombudsman's Office
Community Restorative Justice Ireland
Northern Ireland Alternatives
Citizens Advice Bureau

## Inspection Findings relevant to Criminal Justice Review

### Recommendations

**1.1 The interests of victims and witnesses should feature in the codes of practice and plans of all criminal justice organisations that interface with them and in the criminal justice plan that we advocate for the system as a whole. (228)**

Victims needs and interests are not always clearly understood by the statutory agencies. The consistency of standards fluctuates within agencies and across agencies. Service delivery can be influenced by experience level of staff and geographical location. Inspectors were unable to source a current CJB business plan and found little evidence of victim issues being included in any of the statutory agencies corporate or operational business plans. Work is still on-going in PSNI to develop a victim and witness policy – a draft was presented to VVIW in September 2004 no further progress can be reported. The PPS updated their 1997 policy in early 2004 but it is still in draft form and is regarded as operational but still a work in progress.

Inspectors did not see codes of practice in each agency but were advised by the NIO that a “Victims Walkthrough Document and Website” (similar to CJS online in England and Wales) was under development which may supersede the information contained in the overarching Victims of Crime – A Code of Practice. The status of development needs to be confirmed with the VVIW.

**1.2 We recommend that a sub-group of the Criminal Justice Issues Group should maintain a specific focus on victim’s issues should monitor and evaluate the new arrangements and should report regularly. It should include both statutory and voluntary agencies that are concerned with the provision of the criminal justice services to victims. (229)**

The VVIW commissioned report “Victims’ and Witnesses’ – Views on their Treatment in the Criminal Justice System” issued by Deloitte MSC Ltd in 2004 is a good example of monitoring and evaluating arrangements on victim’s issues. Individual members of the VVIW informed inspectors of the value of this forum and also the work of its sub groups in attempting to achieve “joined up services”. One notable absence from the main group is a representative from the NSPCC bearing in mind they at present are the only organisation dedicated to supporting young witnesses in Crown Courts.

One of the “new arrangements” requiring urgent evaluation is the working of the Criminal Evidence (NI) Order 1999 in relation to special measures attempting to achieve best evidence. Special measures training has been addressed by the DPP/PPS and has become an increased priority for PSNI. PPS also has an intranet facility to guide staff through procedures and forms of application. In general victims and witnesses were unaware of the possibilities that could be afforded to them to facilitate them giving evidence this is an area where public confidence could be increased through enhanced outreach and communication.

**1.3 The possibility of a victims’ advocate should be considered again in the future if new arrangements on behalf of victims are seen not to be working effectively. (230)**

Inspectors were informed that the lack of a joined up support service and the fact that victims and witnesses “have no status in law” and “society does not care” illustrated that consideration should be given to the creation of a victims advocate service for vulnerable people as an extension to the role and responsibilities of VSNI.

**1.4 We recommend that the agency which has lead responsibility for working with victims at particular points in the criminal justice process should be clearly delineated. (231)**

Interviews with victims and the statutory agencies confirmed that this was an essential need of victims. In essence victims did not know the difference between the roles of each agency. Victims normally rely on the relationship established at the first point of contact with the police, VSNI or other voluntary body to passport them through the CJS. The investigating officer or a specialised liaison officer was normally contactable but the onus appeared to be on the victim to engage in communication if they wanted to find anything out. The value of the PPS Community Liaison Units is also starting to emerge as an important point of contact.

**1.5 Initial Information for Victims (232)**

**Provision of Information in Custody Cases (233)**

**Information in Diversionary Cases (234)**

**Building on Existing Code of Practice for Victims (236)**

**Lead Agency to Ensure Information is Made Available (237)**

As far as is reasonably practicable victims should be supplied with as much information as possible. Interviews with victims and the statutory agencies confirmed that there was a significant lack of clarity between agencies as to who has responsibility for providing timely information.

Victims spoke of a general sense of investigating officer unavailability, when contact was made they were informed the officer was not on duty, on leave, on the beat, on training and no one else could help them. Messages were left but seldom returned and victims were left feeling under valued and got the impression of an under resourced police service who were failing them.

Inspectors received a range of views in relation to information from specialist officers such as Family Liaison, Domestic Violence, Minority Liaison and Youth Diversionary ranging from excellent to poor in terms of support and information exchange.

Some victims informed Inspectors that they had not been informed of the status of investigation in their case. Some victims read about the conviction and penalty in their local newspapers and one found out when they received a cheque months later from the court because compensation had been awarded in the case.

In essence, victims did not know the difference between the roles of each agency. Victims normally rely on the relationship established at the first point of contact with the police, VSNI or other voluntary body to passport them through the CJS. The investigating officer or a specialised liaison officer was normally contactable but the onus appeared to be on the victim to engage in communication if they wanted to find anything out. The value of the PPS Community Liaison Units is also starting to emerge as an important point of contact.

Victims need to be adequately informed about the status of their particular crime as well as the workings of the criminal justice process. Victims and witnesses need to be heard, they have genuine fears, needs and questions that need addressed. Providers of the service should never make assumptions about the victims needs. The lack of adequate and timely information is a fundamental concern that has been raised with inspectors. There are good informative leaflets and letters sent to victims but we were informed that victims can get the same “promotional material” from several bodies and during the trauma period little information is absorbed. Services to victims need to be tailored to meet their specific needs. Agencies need to also bear in mind factors such as cultural and ethnic issues, language needs, victims with disabilities, children and young people (their parents) and elderly victims.

## **I.6     Advertised Point of Contact (235)**

No joined up system is promoted at present. Inspectors noted plans to develop a walk through dedicated website for victims.

## **I.7     Information About Release of Prisoners (242)**

The scheme was established under Section 69 of the Justice Act 2002. At the end of January 2005 91 victims had registered in the scheme which is operated by the Northern Ireland Prison Service. The scheme was consciously created as an information only giving service with no expectation of personal contact. Most of those registered fall into the category “victims of serious and sexual assaults”. When registered, victims are contacted when a prisoner makes application under the temporary release scheme to elicit their views. There were initial problems with serious delay in getting information from the PSNI and the Court Service but these have now been rectified. It may be appropriate to review this process when the PBNi information scheme for victims in relation to probation supervised sentences is being implemented to ensure minimal confusion occurs for the victim.

## **I.8     Information on Diversionary Cases (238)**

### **Changes in Case (239)**

### **Information to be brought to the Attention of the Court (240)**

### **Challenging Allegations Made by the Defence (241)**

Interviews with victims and the statutory agencies confirmed that being consulted in a timely manner about progress, further developments, decisions being taken and changes was an essential need of victims. Inspectors were informed that lack of continuity of counsel prosecutors is a concern for victims and police officers this is especially an issue now that the DPP/PPS no longer co-ordinate pre-trial consultations.

PSNI focus groups expressed concern that counsel run cases without preparing and have only received the papers the night before. We were advised that some expert witnesses were refusing to give statements as they are not prepared to waste time waiting at court. These facts are of concern to victims as the full information may not always be brought to the courts attention.

Both victims and police raised concerns about the prosecutor's willingness to accept the offer of a plea of guilty to a lesser offence on the morning of court.

Victim Impact Statements are not routinely taken to help communicate to the court the impact the crime has had.

## **I.9 Witness Support Schemes**

**We recommend that publicly funded witness support schemes should be made available at all Crown Court and Magistrate Court venues. Children should be included in such arrangements on a basis determined in the light of the outcome of evaluation of the current pilot scheme. (243)**

There are currently three witness services:

Court Witness Scheme – (Adults) Crown Court (VSNI)

Magistrates Court Witness Scheme pilot at Laganside – (Adults) (VSNI)

Young Witness Service (Children & Young People) Crown Court (NSPCC)

Victims expressed concern about the “big gaps” in witness service and that ultimately the defendant can determine whether the victim gets access to a witness service or not. If the defendant elects for a summary trial in the Magistrates Court then no witness service is available. However, if the same defendant elected for trial before a higher court namely a Crown Court before a judge and jury then the victim can have access to the witness service. This is not in keeping with victims wanting equal rights within the criminal justice system. Inspectors were informed that there was no formal protocol with DPP/PPS regarding provision of information on potential witnesses requiring CWS.

The Magistrates Court Witness Service pilot started in Belfast in June 2004, and was to be evaluated in December 2004 but due to the numbers using the service the evaluation was postponed until March 2005. Young witnesses in the magistrates' court cannot avail of service provided by VSNI. Good working relationship with PPS and Community Liaison team in terms of exchange of information. Policies and procedures work well but still early days, things still being signed off. Want more notice of special measures



cases and need to know how many people to expect. Negotiating with Court Service to get more notice. Court Service representatives have also sat with witnesses in video link cases which are increasing but not everyone within the CJS is clear about the application of special measures.

Some Young Witness Service cases are taking up to two years to come to court. To prioritise such cases a separate listing process is in place and enhancements are being further considered to more effectively manage this type of business. Similar to the approval of solicitors to deal with children, there should be an approved list of trained barristers and the NSPCC are willing to provide training for the Bar Council. Changes of barristers in the course of cases should be avoided. It is important to establish how many families offered the service decline or ignore the opportunity and the reasons why they chose not to avail of the service. It is important to quantify unmet need of children who would benefit from support both in lower courts and in private law. It is important to consider why there are no ethnic minority users of the service.

**References**

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### Inspection Methodology

1. The initial approach applied within this inspection was to undertake research into victim and witness issues and develop a Project Initiation Document (PID) detailing:
  - background information;
  - proposed terms of reference;
  - assessment of resources required to undertake the inspection;
  - risk overview;
  - inspection work plans including phases and key activities;
  - agreement of key sources of information and statistics;
  - identification of key stakeholder and contacts for the inspection; and
  - appointment of an Inspection Steering Committee with representatives nominated from PSNI, DPP, VSNI, NICtS and CJI.
2. The inspection process was informed by the work of the Steering Committee including the approval of the PID, consideration of the emerging findings and draft report.
3. Based on approved work plans an inspection team undertook fieldwork to collect and validate information by various methods including:
  - requests to stakeholders for their assessment of the effectiveness of service delivery to victims and witnesses and their suggestions for improvement;
  - use of recent published statistics and research material;
  - communication with the lead agencies and supporting bodies for specific information requests including annual reports, corporate and business plans;
  - examination of any review reports, briefing documents, web-sites, legislation, management information, targets and commentaries;
  - interviews and discussion forums with individual and groups of victims and witnesses and voluntary and community based support groups;
  - interviews and workshops with service providers from the main criminal justice agencies and their partners; and
  - structured interviews with key personnel from lead agencies.
4. Information was recorded, evaluated and reviewed by the Inspection Team to facilitate the:
  - recording and analysis of emerging findings;
  - evaluation of facts and findings and formulation of recommendations;
  - preparation of a draft report for consultation; and
  - development of a final report for issue.
5. The final report will be widely circulated and will also be made available on the CJI website once publication has been agreed by the Secretary of State.
6. The CJB will be invited to co-ordinate the development of an Action Plan in response to the reports recommendations.









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