

## Avoidable Delay: A Progress Report

**In June 2010 Criminal Justice Inspection (CJI) published a report into avoidable delay in Northern Ireland. The main conclusion of the report was that the length of time it takes to process defendants through to disposal by a court was too long and compared unfavourably with neighbouring jurisdictions. It was agreed that CJI would provide the Minister with an annual progress report. The first of these reports was published in January 2012.**

The focus of the progress report was on the performance information – i.e. the length of time taken to process cases through the justice system. The main conclusion of the report was that despite a range of activities, there has been a deterioration in Crown Court cases and a significant deterioration in the average end-to-end times for adult and youth Magistrates' Court summons cases since the last inspection. The exception was charge cases which continued to improve over the past four years.

The average amount of time taken to process a Crown Court case has increased from 406 days in 2009-10 to 439 days in the first half of 2011-12; adult summons cases have increased from 220 days in 2009-10 to 270 days in 2011-12. Of greater concern is that youth summons cases have increased from 256 days to 289 days.

The problem of avoidable delay goes to the heart of the justice system as it involves all the major justice organisations and their interaction together. It has a particular impact on victims and witnesses (particularly young people) and overall public confidence in the justice system. A recent inspection

into the care and treatment of victims and witnesses found that delay was the single most unforgiving concern heard by Inspectors.

The report highlights how delay is present in the justice system; the file quality of the PSNI needs to improve, case management and progression within the Public Prosecution Service could be better and case readiness in court needs to improve in order to reduce the high number of adjournments.

The delays associated with the service of court summonses has significantly increased since the publication of the last report in 2010 and now requires an immediate response from the PSNI and other justice agencies.

Chief Inspector of Criminal Justice Inspection in Northern Ireland, Dr Michael Maguire, said, "While considerable effort has been made to redress the problem, progress has been slow and indeed performance has got worse for Crown Court cases and for Magistrates' Court cases which commence through report and summons."



He went on; "A significant reduction in the end-to-end times for case progression requires a number of successful building blocks to be put in place. Put simply it requires desire, the right people making decisions, on-going monitoring, changes in behaviour and a flexibility in approach.

"It also needs to be recognised that no single agency within the justice system has the capability alone to make it happen and that for those outside the normal accountability arrangements of that system, like solicitors and barristers, a change in behaviour will be needed.

"We recommend the phased introduction of statutory time limits starting with Youth Court cases within the next two years."

Dr Maguire pointed out that the introduction of statutory time limits would not solve the broader problem immediately but would encourage other participants in the justice system to change the way they behave and act against a background of better performance management and greater accountability. ■

# National Preventive Mechanism publishes Annual Report into state of UK Detention

The second annual report of the UK's National Preventive Mechanism (NPM) was published in February 2012, giving an overview of the state of detention in prisons, police custody, children's secure accommodation, immigration, military and mental health detention.

The NPM is made up of 18 independent bodies and is co-ordinated by HM Inspectorate of Prisons. It was established in 2009 by the UK government to meet its UN treaty obligations regarding the treatment of anyone held in any form of custody.

The NPM should have the right to regularly inspect all places of detention for the purpose of monitoring the treatment and conditions of detainees, with the clear purpose of preventing ill treatment of anyone deprived of their liberty. The latest annual report summarises the activities of those members.

Their first report recommended that the government should identify which places of detention are not subject to independent visits by the NPM and ensure that those gaps in protection

are addressed. This recommendation was accepted. In future, court cells in England and Wales will be subject to inspection by HMI Prisons and discussions are underway regarding the inspection of service custody facilities, (known as guardhouses), operated by the British military. As the report was being prepared for publication, NPM were pleased to learn that custody visitors in Scotland were being placed on a statutory footing.

The following year will see the NPM members continue to share their expertise and experience of visiting places of detention and explore issues, such as the use of restraint, which arise across different types of detention.

On behalf of the 18 members of the UK NPM, Chief Inspector of Prisons Nick Hardwick said, "For detainees



removed from public scrutiny in a prison or police cell, a secure hospital ward or juvenile facility, independent preventive inspection is particularly important. The nature of those held, and the fact that the work of the institution takes place out of sight, creates the conditions in which it is all too easy for abuse to take place. However, the greatest risk is the effect those conditions create. Away from public scrutiny, it is all too easy for even well intentioned staff to become accepting of standards that in any other setting would be unacceptable. We hope this report helps to provide an overview of the state of detention in the UK and our efforts to prevent ill-treatment." ■

## Minister supports CJI report on Enforcement in the DOE

The Minister of the Environment, Alex Attwood MLA, has welcomed the CJI follow-up review on Enforcement, which was published in late 2011. He commented in his letter to the Chief Inspector that 'a central element to good regulation and planning is strong enforcement' and emphasised that enforcement is now given higher priority across the

Department with more robust enforcement measures taken in relation to illegal dumping of waste, pollution offences and road traffic offences.

The Minister sees the CJI report as important in challenging the Department to get itself fit and ready for delivering improved compliance

and enforcement. He has instructed officials to implement an Action Plan, which includes a more co-ordinated and transparent approach across the Environment Agency, the Driver and Vehicle Agency and the Planning Service.

The Departmental Action Plan has been published on the CJI website. ■

# CJI welcomes publication of Feasibility Study on Community Impact Assessment

**Dr Michael Maguire welcomed the publication of a feasibility study on Community Impact Assessment.**

In the November 2010 report: 'An inspection of the handling of sexual offence cases by the justice system in Northern Ireland: Donagh sexual abuse case inspection', the Criminal Justice Inspection Northern Ireland recommended that the Department of Justice conduct a feasibility study to determine the applicability of the introduction of Community Impact Assessments.

The Justice Minister David Ford stated that the impact of the

McDermott case on the people of Donagh showed there is a need for better communication with local communities, and the CJINI report, which he commissioned, highlighted the need to consider introducing community impact assessments.

He noted their use clearly has the potential to give those communities most affected by crime a greater voice in the criminal justice process. The Minister noted that further work needs to be done following the publication of the feasibility study.

Dr Maguire welcomed the publication of this study and noted that the

Minister of Justice has recognised that in some cases there is a need to give a community a greater voice in the criminal justice process.

The Chief Inspector added; "Our work on victims shows that those who have been on the receiving end of crime can often feel alienated from the justice process. Giving victims and communities a greater voice will help address this.

"This is an opportunity through the consultation process to consider what this may mean in practice. This is a step in the right direction for the criminal justice system." ■

## Inspection of Northern Ireland's Immigration Short-Term Holding Facilities

**In November 2011 Her Majesty's Inspectorate of Prisons (HMIP) who have responsibility for inspecting the United Kingdom Border Agency's (UKBA) immigration estate conducted their first inspection of two immigration short-term holding facilities in Northern Ireland. Both facilities are managed by Reliance, a private security firm.**

Although CJI do not have the remit to inspect UKBA, as immigration issues fall under direct rule, Rachel Lindsay from CJI was invited to participate in the inspection in light of CJI's role as part of the National Prevention Mechanism against torture and ill-treatment in detention in Northern Ireland. The reports of the inspections were published on HMIP's website on 2 April 2012.

In July 2011 UKBA opened a residential short-term holding facility in Larne to hold immigration detainees. Detainees were held for short periods prior to their transfer to Dungavel Immigration Centre in Scotland, deportation or being granted temporary admission into Northern

Ireland. In addition a second, much smaller holding facility, was located at the UKBA Reporting Centre at Drumkeen House in Belfast.

In line with UKBA's published policy, the maximum period of detention allowed is five days, or seven if removal directions have already been served. However, in the three months before the inspection, records showed that three detainees had been held in Larne House more than seven days, with one held for more than eight days. Larne House facility was effectively managed by helpful Reliance staff, but there were too many risk averse practices. UKBA had a limited presence at the facility. Custody visitors were due to start

routine visits but these had not yet begun.

Unlike many other short term holding facilities, the facility at Drumkeen House did not have dedicated staff. Rather it was opened only when a detainee was held. Staff were called from the escorting teams to staff the facility. During the inspection two detainees were held. The facility comprised a staff office and two identical holding rooms. Thirty-seven detainees were held in the three months before the inspection for an average of one hour and 31 minutes. The longest period of detention was four hours and 31 minutes. UKBA had regular oversight of the facility.

The reports made 15 recommendations in relation to Larne House and nine in relation to Drumkeen House. The reports can be seen on CJI's website at [www.cjini.org](http://www.cjini.org). ■

# Chief Inspector Joins Prison Review Oversight Group



**Chief Inspector of Criminal Justice attended the first meeting of the Prison Review Oversight Group, chaired by the Minister of Justice David Ford MLA.**

The Group was established in response to the report of the Prison Review Team (PRT) which was set up to review the conditions of detention, management and oversight of the Northern Ireland Prison Service. The Final Report published in October 2011 highlighted the need for end-to-end fundamental reform of the Prison Service and set out 40 recommendations to transform the Prison Service into an efficient and effective organisation.

Dr Maguire was an advisor to the Prison Review Team and met with them periodically to discuss the work of the Inspectorate in relation to prisons and the wider criminal justice system. The CJI Report on Corporate Governance and Accountability of the

Northern Ireland Prison Service (published in December 2010) was particularly relevant to the work of the Review Team.

The Oversight Group was established by the Minister of Justice in response to Recommendation 23 of the PRT which stated that: “There should be oversight of the change process, by a high level Ministerial group including external involvement from a non-executive director of the Prison’s Board and the Chief Inspector of Criminal Justice, with regular reports to the Justice Committee. The CJI should be given additional resources to carry out independent monitoring of outcomes against our recommendations.”

The primary role of the Group is to oversee the implementation of the recommendations that fall to the Department of Justice, test and challenge assurances which are provided to the Minister of Justice in

relation to the implementation of recommendations and provide regular summary reports to the Justice Committee after each meeting.

The Group will continue to meet until it is satisfied that the Prison Review Team’s recommendations have been appropriately implemented. It is anticipated that the role of the Group will extend throughout the duration of the 2011-2015 period, subject to review.

The members of the Group are David Ford MLA (Chair), Minister of Justice, Nick Perry Permanent Secretary, Department of Justice, Patricia Gordon, NIPS non-executive Director, Professor Monica McWilliams, former Chief Commissioner of the Northern Ireland Human Rights Commission, Duncan McCausland former Assistant Chief Constable PSNI and Dr Michael Maguire Chief Inspector of Criminal Justice Inspection Northern Ireland. ■

# Action required to tackle learning deficits in prisons

In February 2012 Criminal Justice Inspection Northern Ireland (CJI) and the Education and Training Inspectorate (ETI) published a joint report on the Northern Ireland Prison Service's provision of learning and skills for prisoners. This inspection confirmed longstanding concerns about the quality of prison education, and identified a deteriorating situation.

The system was failing not only prisoners, but wider society as a whole. With more than 60% of prisoners below minimum levels in literacy and numeracy, too few were being helped to address their deficits. This was deemed unacceptable as learning and skills should be a major element in the rehabilitation of prisoners.

Pockets of excellence and innovative practice were identified, such as outsourced Essential Skills provision delivered by the North West Regional College in Magilligan Prison. The report also recognised that the real barriers to learning and skills' delivery, whether in relation to Essential Skills or to wider vocational training, were a number of restrictive institutional and security practices. While Inspectors have previously made numerous recommendations to improve education for prisoners, progress has been negligible for a variety of reasons, including the low status afforded to Learning and Skills by the Prison Service.



Effective collaborative partnerships with external providers were identified as an important part of the way forward in delivery of Learning and Skills within the unique context of prisons. CJI and ETI suggested they would offer the Northern Ireland Prison Service a range of options to better prepare prisoners for competing in the employment market after release.

The Chief Inspectors of CJI and the Education and Training Inspectorate recommended a vigorous joint ministerial approach should be adopted to improve prisoners' Learning and Skills opportunities via three subsidiary aims: more of the provision should be outsourced - this could be done by either public or private sector providers. They also recommended a managed service solution should be implemented for prison IT systems; and that a senior manager should be appointed to elevate the role of Learning and Skills within the Prison Service. ■



## Justice Minister welcomes Avoidable Delay report

Justice Minister David Ford welcomed the report, stating; "I am grateful to Dr. Maguire for this report and I will now give careful consideration to his assessment. As part of this, I will want to consult with the Criminal Justice Board.



The Minister noted that this is the latest of a number of independent reports to reach the conclusion that statutory time limits are now necessary to improve the performance of the justice system.

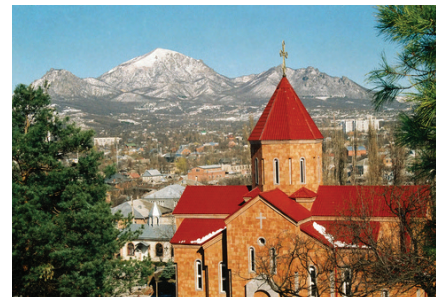
David Ford MLA paid tribute to the hard work of the justice agencies in seeking to address this critical issue. However, he stated that this is a complex and difficult area and it is only right that we continue to consider new solutions and fresh approaches.

"Delay in our criminal justice system adds to the burden of victims, wastes the finite resources of justice agencies and reduces the confidence of the community. It is vital that we speed up the system and I am determined to do so," concluded the Justice Minister.

The Minister will now consider the report's recommendation in detail and has asked the Criminal Justice Board to examine how statutory time limits could be introduced in Northern Ireland within two to three years for youth cases. ■

# Inspector presents Council of Europe workshops on police oversight

CJI has published inspections on the office of the police ombudsman and on the handling of complaints by the criminal justice system. The latest report on the office of the police ombudsman was published in September 2011 following a request for an urgent inspection by the Police Ombudsman. Bill Priestley led these inspections for CJI and in November 2011 was asked to participate in a series of workshops organised by the Council of Europe to take place at Pyatigorsk in the Caucasus region of The Russian Federation regarding police oversight and handling of complaints.



The workshops took place between 24 and 25 November and aimed to provide practical information about the workings of oversight bodies and complaints mechanisms to stimulate discussion between police leaders and oversight bodies in the Southern Russian Republics. Parts of the region are emerging from a long period of conflict and whilst attacks on police officers and buildings continue these are at a much lesser level than previously.

The workshops were coordinated by Mr Leonid Antohi for the Council of Europe who asked Bill to present

his knowledge of police oversight and criminal justice complaints mechanisms in the Northern Ireland context. To provide delegates with the context of another European setting an alternative system of police oversight and accountability was presented by the head of the Rotterdam Police bureau of internal affairs Mr Piet de Gelder. To complete the seminars the human rights obligations relevant to the subject of oversight and accountability of the police were presented by Council of Europe expert Ms Mariana Chicu.

The workshops were enthusiastically received by the delegates who included police leaders, human rights commissioners and representatives from the Ministry of the Interior. The workshops met the objectives of providing practical information on working systems of oversight and complaints handling for the delegates to debate in their own context and within existing human rights obligations and standards.

The comparisons between two systems of oversight and accountability, both operating within European human rights obligations generated positive discussions as to how a balance between oversight, accountability and operational policing could be best achieved in the region so that confidence in policing could be increased. Further development of oversight and accountability mechanisms within the region is expected to happen during 2012.

Apart from informing debate between regional police leaders and oversight bodies the discussions and presentations provided Bill with an intriguing and informative insight into the workings of police accountability and complaints handling in both The Netherlands and in the Russian Republics. ■

Pyatigorsk tram on Kirova avenue



# Causeway has become integral to the workings of the Criminal Justice System

**The Causeway system has now become an integral part of the criminal justice system, impacting on its effectiveness and efficiency.**

This is the conclusion of Criminal Justice Inspection in a follow up review of the exchange of information by Criminal Justice Organisation through the Causeway IT programme carried out in 2006 and 2007.

The Inspectorate examined the electronic data sharing mechanism (Causeway) used by criminal justice organisations to help deliver more efficient and effective services by reducing the need for overly bureaucratic data transfer and case handling.

Deputy Chief Inspector of Criminal Justice Inspection, Brendan McGuigan, said, “The Causeway mechanism has been operating on a stable platform since November 2009.

Participating agencies have had to work together to deliver their business processes to make electronic integration work.”

As a result, said Mr McGuigan, “collaborative working is beginning to deliver efficiencies and is helping to improve accuracy as cases progress from one organisation to another through the system.”

Inspectors noted that organisations are beginning to report on benefits accruing to them and that progress had been made with previous CJI recommendations and references to Causeway made in other CJI reports had also been resolved.

An Office of Government Commerce (OGC) Gateway 5 review of Causeway took place in December 2010 and had been published on the Department of Justice website.



During the inspection, CJI Inspectors were reassured by the findings of the OGC Gateway review which found that successful delivery of the Causeway system was probable but required constant attention to prevent risks from jeopardising the desired outcome.

Inspectors will continue to report on Causeway through CJI's thematic inspections of the criminal justice system and relevant organisational inspections. ■

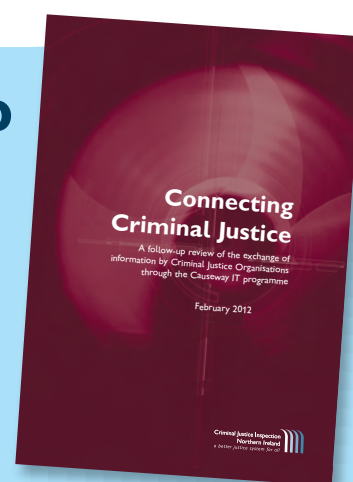
## Ford welcomes CJINI follow-up report on Causeway System

**Justice Minister David Ford welcomed the CJI follow-up review on the Causeway data sharing mechanism.**

The report acknowledges that the Causeway system has become an integral part of the criminal justice system, impacting on its effectiveness and efficiency, and that progress has been made on previous recommendations that fall within the remit of the Causeway team.

David Ford said: “I welcome this report from CJI which demonstrates the positive working practices and benefits that Causeway has brought to partner agencies within the Criminal justice family.

“The follow-up review confirms that collaborative working between the Criminal Justice organisations that participate in Causeway is beginning to deliver efficiencies, which in turn helps to improve accuracy and speed



up the criminal justice process.

“Causeway has become an integral part of the criminal justice system and continues to deliver against stated benefits.” ■

# Vulnerable Prisoners

**In January 2012 Criminal Justice Inspection Northern Ireland published a report on the care of vulnerable prisoners by the Northern Ireland Prison Service. This was a follow-up to a report on the same topic that was published in December 2009.**

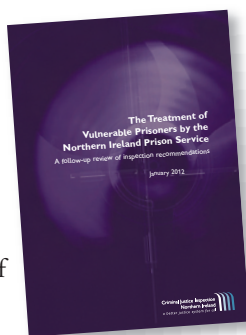
Significant concerns over the safety of prisoners had been raised on several occasions during 2009 including the vulnerable prisoners' inspection, an unannounced inspection of Maghaberry Prison and a Prisoner Ombudsman's Report into a death in custody.

The 2012 publication found that some encouraging progress had been made and steps taken to improve the care of vulnerable prisoners. Inspectors concluded that of the ten recommendations made in 2009, two had been achieved, six were partially achieved and two were not achieved.

On this occasion Inspectors found that the Northern Ireland Prison Service had taken steps to address the deficiencies identified in previous reports. In

particular implementation of Supporting Prisoners at Risk arrangements for the monitoring and management of vulnerable prisoners, while mixed in terms of delivery, represented an improvement on previous practice. Provision of dedicated resources for the management of vulnerable prisoners and opening of the Donard Centre at Maghaberry Prison were particularly welcome developments.

However improvements were needed in healthcare provision across the prison estate, especially in Hydebank Wood Young Offenders Centre and Maghaberry Prison. The inspection found that further progress would be



unlikely without changes in the attitudes and behaviour of some staff, which were inconsistent with a therapeutic approach to prisoners in their care.

For that reason CJI fully endorses the Prison Service's Strategic Efficiency and Effectiveness (SEE) programme which aims to change the culture of its staff group and improve their skill levels.

The 2012 inspection concluded that while the Northern Ireland Prison Service had taken steps to address many of the concerns raised in previous reports, and while all of the risks can never be eliminated, investment of effort and resources does bear results. ■

# Mistaken Releases

**In November 2010 Criminal Justice Inspection (CJI) reported on oversight of the Northern Ireland Prison Service (NIPS) enquiry into the erroneous release of two prisoners. One of the recommendations of that report was to carry out a follow-up inspection to monitor and review the implementation of recommendations made in the NIPS internal enquiry. This follow-up inspection reports predominantly on the implementation of those NIPS recommendations.**

Since publication of the CJI report in November 2010 there have been a further four erroneous releases. The first occurred on 24 November 2010 (Prisoner A), and a further on 24 June 2011 (Prisoner B). Another mistaken release took place on 7 November 2011 (Prisoner C) and the last known mistaken release occurred on 8 February 2012 (Prisoner D), bringing the total to six in the period since September 2010.

“Encouraging work has taken place where additional focus and resources have been applied. For example, the NIPS has expended significant effort and finance to IT solutions. This is in

addition to linking the issue of erroneous releases to the Strategic Effectiveness and Efficiency (SEE) Programme,” said Dr Michael Maguire, Chief Inspector Criminal Justice Inspection. “However work has been focused on longer term process re-engineering and fundamentally neglected the immediacy of the ongoing risks.”

Inspectors now report that of the 25 NIPS recommendations, 14 (56%) can now be said to be met in full. A further 10 (40%) can be said to be partly completed and one (4%) as discharged (no longer relevant).

“Well over one-third of the recommendations made have not been met in full some 15 months after the first report. For example, it is disappointing that formal training for front line staff has still not been delivered, with the most notable for Duty Governors who are expected to authorise final release.

“There is also a need for job guidance and a continued focus on the full implementation of existing controls by way of supervision and quality checks. Compliance and quality assurance with robust mechanisms must be sustained.

“Both the operational and strategic focus needs to be maintained on the issues, and ultimately, the accelerated completion of all the outstanding recommendations,” concluded Dr Maguire. ■

