

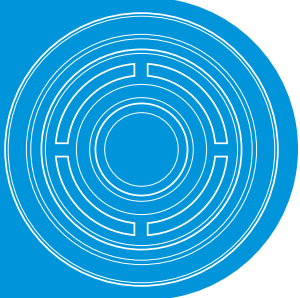


THE CARE AND TREATMENT OF VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND, INCORPORATING THE USE OF SPECIAL MEASURES

A follow-up review of inspection recommendations

March 2015





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Criminal Justice Inspection
Northern Ireland
a better justice system for all





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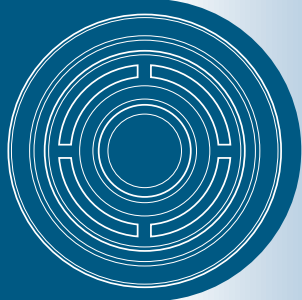
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List of abbreviations

ABE	Achieving Best Evidence (guidance document)
CJI	Criminal Justice Inspection Northern Ireland
DoJ	Department of Justice
EU	European Union
FSNI	Forensic Science Northern Ireland
NICTS	Northern Ireland Courts and Tribunals Service
NSPCC	National Society for the Prevention of Cruelty to Children
PBNI	Probation Board for Northern Ireland
PIF	Prosecutor Information Form
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
SLA	Service Level Agreement
STL	Statutory Time Limit
TNA	Training Needs Analysis
VWCU/WCU	Victim and Witness Care Unit/Witness Care Unit
VWSG	Victims and Witnesses Steering Group
VSNI	Victim Support Northern Ireland
YJA	Youth Justice Agency



Chief Inspector's Foreword

Supporting victims and witnesses, and treating them as central to the delivery of criminal justice, has been a key political and moral objective for many years. Unfortunately in the past the rhetoric had continually fallen short of the citizens' reality as they engaged as victims and witnesses with the criminal justice system. Criminal Justice Inspection Northern Ireland (CJI) has rightly continued to focus on this critical issue and produced a series of reports highlighting the deficits in effective service delivery and the need for greater partnership working to secure improvements.

Since devolution, the political support for raising the status of victims and witnesses has injected real dynamism into the criminal justice agencies as they moved the subject further up their organisational agendas and together with the Department of Justice (DoJ), began to develop a more effective partnership approach to tackling the deficits.

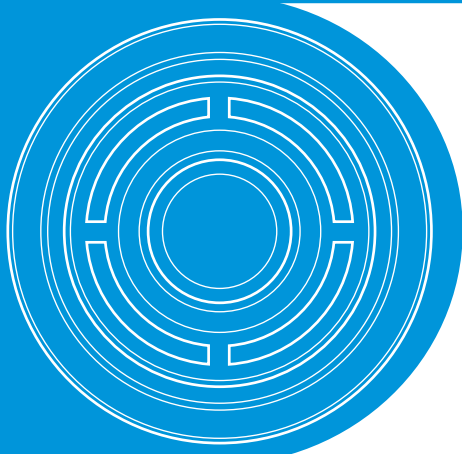
This follow-up review charts the very good progress made by the criminal justice agencies in response to our 2011 report *'The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland'* and 2012 publication *'The use of special measures in the criminal justice system in Northern Ireland'*. Delivering the achievement of 96% against recommendations is a testament to the efforts of those who are striving to transform the experience of the victims and witnesses who are the mainstay of our criminal justice system.

This progress is welcomed and must now become the baseline against which minimum service standards are set. We know that more can be done and I would urge that justice agencies do not become complacent or see this as 'job done', but view it as the start of a journey towards even greater public confidence.

This review was conducted by Derek Williamson. I would like to thank all those who supported this work.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

March 2015



Follow-up Review



Introduction

Background to the follow-up review

This is the fourth of a series of CJI reports and follow-up reviews into the care and treatment of victims and witnesses in the criminal justice system in Northern Ireland. Full inspection reports were previously published in July 2005 and December 2011, with a follow-up review in March 2008. The latter followed the 2005 inspection and this follow-up review looks at progress since our report in 2011.

The continuing CJI focus in this area reflects the importance of the subject delivery of effective justice. There is a basic obligation on the criminal justice system to provide support and encouragement to victims and witnesses (and their families), to enable them to make their contribution to the investigation and prosecution of cases. Otherwise, the criminal justice process can be fruitless as the evidence of witnesses is often vital to the delivery of justice. The effective and appropriate treatment of victims, witnesses and their families therefore remains a vitally important aspect of a successful criminal justice system.

In April 2012 CJI published an inspection report on the use of special measures. Such measures can be summarised as the legal rules allowing witnesses to give evidence in a criminal court in a manner that is different to the more traditional giving of evidence from a witness stand in the courtroom. The principal provisions were introduced in Northern Ireland in the Criminal Evidence (Northern Ireland) Order 1999. They assist certain categories of witnesses to give their best evidence in court with as little stress as possible. They include the screening of witnesses in court, the use of closed circuit television, the removal of wigs and gowns and the use of video evidence. Special measures can be particularly important to supporting victims and witnesses in cases involving children and sexual offences.

While these were two separate and distinct inspections, both addressed issues germane to the care and treatment of victims and witnesses, and so are combined in this follow-up review. The inspections made a number of recommendations aimed at enhancing the arrangements in place surrounding these mutually supporting subjects. The previous recommendations are now reported upon, with an updated assessment of progress, in this follow-up review.

Changes since the previous inspection

A number of significant developments have occurred since the publication of the CJI reports in 2011 and 2012.

In June 2012 the Committee for Justice published a *'Report on the Committee's inquiry into the criminal justice services available to victims and witnesses of crime in Northern Ireland'*. The Committee for Justice report, as did CJI's, acknowledged a range of positive work and developments across the criminal justice system to address the needs of victims and witnesses. The Committee report also stated however *'...despite all of this, victims and witnesses, and in particular bereaved families, still face significant difficulties with the criminal justice system and the criminal justice agencies, and their experience of the process is often frustrating, demoralising and on occasions, devastating...'* The Committee for Justice and CJI reports coming within a short time of each other were mutually supporting and their findings analogous. Together, these documents set the road map for justice agencies and for the DoJ in addressing the needs of victims and witnesses. The reports were also timely insofar as the DoJ were involved in developing a new five-year Victims and Witnesses Strategy.

Further significant transformation to the landscape has also come in the form of a European Directive. The European Union (EU) Directive establishes minimum standards on the rights, support and protection of victims of crime. This was adopted in October 2012 and came into force on 15 November 2012. The EU Member States have to implement the provisions into their national laws by 16 November 2015. The specific rights set out in the above Directive can be found at http://ec.europa.eu/justice/criminal/victims/rights/index_en.htm.

While many of these services are already in place, the EU Directive requires their implementation in statute and creates these as minimum standards.

The most significant practical change since the last inspection has been the introduction of the Victim and Witness Care Units (VWCUs). In May 2012 the Northern Ireland Minister of Justice formally announced the piloting of the VWCU in Belfast commencing Autumn 2012. Full roll-out was said to have been achieved in May 2014 (see post).

The VWCU is a joint Public Prosecution Service for Northern Ireland (PPS)/Police Service of Northern Ireland (PSNI) Unit whose over-riding priority is *'...to improve the experience of victims and witnesses in the criminal justice process'*.¹ The Unit is led by the PPS, but staffed on a roughly even split between the PSNI and the PPS.

¹ Evidence given by the PPS to the Northern Ireland Assembly Justice Committee on 27 September 2012. Available at <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2012-2013/September-2012/Witness-Care-Unit-Project-PSNI-PPS-Briefing>.

In addition to the above there have been some further important positive developments in the area of victim and witness care. Many of these are mentioned in the remainder of this report and include, for example:

- the passage through the Northern Ireland Assembly of the draft Justice Bill, the main purpose of which is to re-shape the system of justice to improve victims experiences and the general effectiveness of the justice process. The draft Bill includes matters such as reform of the committal process, a statutory Victim and Witness Charter, a legal entitlement for victims to make a statement about the impact of crimes, expanding the use of live links in court, encouraging earlier guilty pleas and statutory case management. Many of these were issues recommended by CJI and followed-up with similar recommendations by the Committee for Justice;
- the launch of a new Victims Code of Practice in March 2011;
- the Young Witness Service was rolled out to all Magistrates' and Youth Courts in September 2011;
- the Victims of Crime Fund was created via the introduction of an offender levy in June 2012;
- community impact statements were launched in January 2013;
- a pilot advocacy service to support victims in accessing services was introduced in January 2013;
- a Registered Intermediaries Scheme was launched as a pilot in May 2013. This seeks to provide communications specialists to assist vulnerable victims, witnesses, defendants and suspects in the criminal justice system where required; and
- a Victims Charter advising victims of crime about their entitlements and the standards of service that they can expect to receive when they come in contact with the criminal justice system, was launched in January 2015.

This represents significant progress, but as always, there is more to do.

It is also most relevant to draw attention to what may arguably be the most significant change since the inspection. This is the landscape of the financial position for public services. Without exception, all of the criminal justice agencies have had to absorb significant financial cuts which, to varying degrees, have and will continue to impact on services. While continuing to inspect for improvement, Inspectors have taken account of this backdrop. The public too must consider it.

The follow-up review

The purpose of this review was purely to examine and evaluate the extent to which the criminal justice agencies had implemented the recommendations made since our original inspection reports. This was achieved through a combination of agency self-assessment and additional fieldwork by Inspectors. The latter incorporated a series of meetings with agencies and stakeholders.



Progress against recommendations

This chapter deals firstly with the recommendations in respect of victims and witnesses, and then with those on the use of special measures.

Victims and witnesses recommendation 1

In terms of delay Inspectors point to the recommendations made in their report 'Avoidable Delay' (published June 2010) and repeat those recommendations insofar as they remain vital to improving the experiences of victims and witnesses.

Status: Transferred to CJI follow-up report on avoidable delay

Agency response

DoJ

A programme of legislative and procedural reform is continuing across the criminal justice organisations. A new Crown Court pilot is also being developed, in response to the findings of the dip sample exercise conducted by CJI.

Legislative reform

The Justice Bill 2014 has been drafted and contains a number of provisions aimed at improving processing times, thereby improving the experience of victims and witnesses. The provisions include committal reform; summons reform; statutory case management; measures to encourage earlier guilty pleas; prosecutorial fines; and expanding the use of live links.

Procedural reform

The Department is working with the PSNI, PPS and Forensic Science Northern Ireland (FSNI) to deliver a range of measures to improve the delivery of forensic science services including:

- the development of two booths at FSNI Seapark facilitating delivery of evidence remotely by reporting officers. This initiative was piloted initially in Belfast Magistrates' Court but has been extended to the Crown Court and to all regions;*
- the PSNI is developing policy to introduce and use presumptive field testing kits to detect cannabis;*
- a new streamlined drugs analysis process was introduced and implemented during 2013; and*
- the Inter-Agency Plan to improve forensic submission, analysis and reporting within Northern Ireland has been approved by the Forensic Service Strategy Group.*

Statutory time limits (STLs)

A consultation outlining proposals for an STL Scheme in the Youth Court has been completed. All respondents supported the introduction of time limits; however, a number did express concern about the start point as proposed for those cases initiated by summons. Despite these and other objections the Minister of Justice remains committed to the introduction of STLs in the Youth Court within the current Assembly mandate. The DoJ is currently working with all stakeholders with a view to achieving a consensus approach. In the interim work will continue to develop initiatives, such as Youth Engagement Clinics, to improve performance at the earlier stages in criminal proceedings. Part of this may be the increased use of charge in appropriate cases.

Youth engagement

As part of the preparation for STLs, the Department piloted Youth Engagement Clinics in Belfast police districts A, B and in Newtownabbey and Carrickfergus within D District. Following the evaluation of Youth Engagement Clinics and the conclusion of a consultation on the Equality Impact Assessment, plans are underway to introduce clinics to the remaining police districts. This will happen on a phased basis starting with refresher training in the pilot districts (A, B and D) followed by training in other districts. Prior to clinics coming into operation, all relevant practitioners will receive training which includes elements to address matters identified in the evaluation, the EQIA and the consultation process. Subject to capacity in the agencies, the refresher training was scheduled to be delivered in June 2014 with a target date of December 2014 for completion of the wider roll-out.

PPS

The PPS is engaging with the other criminal justice agencies in setting up a pilot to tackle delay in the Crown Court. It is also engaging with criminal justice agencies on a number of initiatives to reduce delay and with DoJ surrounding the introduction of STLs. We have also revised our performance management regime to closely scrutinise, at a senior level, timeliness from allocation of files through to decision making.

The Justice Bill 2014 has provision for statutory case management and the PPS is taking steps to prepare for implementation of this legislation.

Inspectors' assessment

While much work has been done by the DoJ and the agencies of the justice system, both individually and collectively, CJI work² has demonstrated that the problem of avoidable delay continues to be intractable. The reality for many victims and witnesses is that far too many cases are taking considerable periods of time in the justice system, and many of these same victims point to similar cases in the justice system in England and Wales where the contrast is that justice is delivered much more promptly.

CJI recognises the challenges of reducing avoidable delay are significant, given the complex range of factors and interests involved. However, we have continually stated, and once again reiterate, that the step change required to address the problem of delay lies in the implementation of STLs.

CJI is currently conducting a follow-up review on progress made on the recommendations of the avoidable delay report. A detailed assessment will be contained in that report.

² Avoidable delay: a progress report, CJI, January 2012. A follow-up review of avoidable delay is currently ongoing.

Victims and witnesses recommendation 2

Inspectors recommend that case management is placed on a statutory footing with timescales, sanctions and incentives designed to deliver the most efficient and effective case progression. The DoJ should ensure the issue is included in their strategic action plans and progressed by 31 May 2012.

Status: Achieved

Agency response

DoJ

The Department launched a consultation entitled *Managing Criminal Cases* on 19 November 2013. The consultation sought views on options for improving the management of criminal cases in Northern Ireland as a way of speeding up the justice system. The consultation closed on 25 February 2014, having received a total of 21 written responses. Four possible options to address the issue were explored including: a general statutory duty to progress cases; a specific statutory duty with identified timescales; case management procedure rules; and placing existing arrangements on a statutory footing.

On receipt of the responses the Department reflected the following duties in the provisions included in the *Justice Bill 2014*:

- a statutory framework of duties on the prosecution, defence and judiciary, similar to the Lord Chief Justice's Practice Directions, but modified in line with the case management portions of the Criminal Procedure Rules in England and Wales, in particular those sections that deal with duties on the judiciary; and
- a general duty to achieve a just outcome as quickly as possible, paying particular attention to the needs of victims, witnesses and vulnerable people (including young people).

Inspectors' assessment

The preparation work by the DoJ and criminal justice agencies has been substantially completed with the main responsibility passing to the Northern Ireland Assembly. It is anticipated that, subject to the processes of the legislative Assembly, the Justice Bill containing the relevant provisions can receive Royal Assent by early 2015. The proposals which have been consulted upon by the DoJ would see rules setting out specific duties on the main parties to a case. These would be similar to the Practice Directions issued by the Lord Chief Justice, but also include specific duties on the judiciary to ensure the rules are applied. While no specific timescales would be mandated it would specify when various actions should be completed for a trial to continue placing duties on the prosecution and the defence. Importantly, it would confer functions on the Court in relation to the 'active case management' of criminal cases and empower and oblige the judiciary to take action against breaches.

Victims and witnesses recommendation 3

Inspectors recommend that the current VWSG [Victim and Witnesses Steering Group] should be re-constituted and incorporate amongst its membership senior executives from each of the main criminal justice system agencies. These senior executives as core members should also be appointed as the individual agencies 'victim's champions'. Importantly, the VWSG should report directly to the Minister and the Criminal Justice Delivery Group on issues concerning victim and witness care and treatment, while at the same time keeping the Criminal Justice Board advised of its work. Victim's champions should be responsible to and directly report to the heads of each of the main justice agencies (PSNI/PPS/NICTS/PBNI) on matters including:

- **organisational performance in respect of the care and treatment of victims and witnesses;**
- **the implementation (operational delivery) of policy/commitments and the Victim's Code;**
- **active liaison across the criminal justice system with other partners;**
- **engagement with victims/victims groups and application of the learning from this; and**
- **representing the views of victims.**

Status: Achieved

Agency response

DoJ

The VWSG membership has been reviewed and the VWSG is now part of the Faster, Fairer Justice Programme arrangements.

Victims Champions have been appointed for each of the individual criminal justice organisations and Terms of Reference governing their role have been agreed. They are responsible to, and directly report to, the heads of their respective agencies. This provides an organisational focus on the care and treatment of victims and witnesses. The Victims' Champions:

- *oversee the delivery of major new initiatives to improve the care and treatment of victims and witnesses;*
- *perform a 'victim proofing' role, ensuring that, in the development of policies and processes, the impact on victims and witnesses is considered;*
- *monitor the implementation and operational delivery of policy and strategic commitments, including those contained in the Victim and Witness Strategy and associated annual plans;*
- *ensure that these commitments are reflected in organisational business plans;*
- *endeavour to ensure that adequate resources are made available to deliver victim and witness initiatives;*
- *work with other Victims Champions to address cross-cutting areas of concern; and*
- *support their organisation's representative on the VWSG to deliver the Action Plans, as well as supporting victim and witness initiatives being taken forward within their individual organisation.*

The Champions meet at least twice a year through the Victims Champions Forum, chaired by Nick Perry [Permanent Secretary DoJ], and are briefed on, and involved in, decisions on key issues relating to victims. The Minister has met the Champions and has asked for regular reports to the Criminal Justice Delivery Group on the work of the Victims Champions.

PPS

The PPS Victims Champion is the Senior Assistant Director of Casework. He attends regular meetings and promotes a victim-focused approach to casework in the PPS. The PPS also advises that its Victims Champion has presented to the Justice Committee on victim-focussed issues such as the revised scheme for victim personal statements, and has met with individual victims in certain cases to explain decisions taken by the PPS. He also represents the PPS at the Criminal Justice Board and promotes discussion on victims issues internally and cross-agency.

Northern Ireland Courts and Tribunals Service (NICTS)

The NICTS Victims Champion is the Head of Court Operations (Grade 6). He attends regular meetings with Victims Champions in partner organisations and is updated on all relevant issues arising at the VWSG by the NICTS representative. He has also attended the VWSG to explain the NICTS proposals for reducing witness waiting times. As Victims Champion, he has provided leadership on the organisation's obligations towards victims including influencing the judiciary and others in respect of working together to reduce witness waiting times at court and other initiatives such as the establishment of two new remote link facilities. Key within this influencing role has been his use of witness feedback on experiences at court provided through a court-based survey facilitated by Victim Support Northern Ireland (VSNI) and the NSPCC [National Society for the Prevention of Cruelty to Children] partners. He has maintained close contact with the Chief Executive on all victim and witness related issues and initiatives, including in the area of domestic and sexual violence.

Probation Board for Northern Ireland (PBNI)

The PBNI's, Deputy Director, took up this role on 1 September 2014 and reports directly to the PBNI Head, who previously occupied the role of Victims Champion. Since then he has attended the Criminal Justice Board, overseen organisational performance through monitoring of monthly statistics and supervision of the Senior Manager responsible for victim work. He has met with the Victims Unit and other staff involved in victims work, attended the PBNI Victims Reference Group, ensured the views of victims were reflected in the 2014-17 PBNI Corporate Plan (published in March 2014). He has also met with Judges and Parole Commissioners to highlight victims' issues and attended the launch of the PPS VWCU.

Youth Justice Agency (YJA)

The YJA has senior members of its team appointed to the VWSG and has a Victims Champion.

Inspectors' assessment

The evidence heard by Inspectors generally supports the view that not only has this recommendation been fully achieved, but that its implementation has had a significant positive impact in getting buy-in and achieving progress in a number of other areas. It is also clear that some organisations have used Victims Champions to greater effect than others, but nonetheless, their appointment has been positive and sends a clear signal on the importance and centrality of victims and witnesses to the justice system.

Victims and witnesses recommendation 4

Inspectors recommend the reconstituted VWSG oversee the establishment of WCUs in Northern Ireland but led by the PPS and using the existing CLTs [Community Liason Teams] as the core basis for delivery. Inspectors consider that an amalgam of PPS CLTs, elements of the PSNI R4³ model (in terms of victim contact and updating), NICTS CPOs [Case Progression Officers] and VSNI can provide a vehicle to achieve a WCU ('one stop shop') facility which will significantly enhance the experience of victims and witnesses.

Status: Achieved

Agency response

PPS

The PPS was the lead partner in establishing the VWCU in conjunction with the PSNI.

Roll-out achieved to amended timescale. Formal launch of VWCU held on 8 May 2014. Minister of Justice attended and presented.

Inspectors' assessment

The full roll-out of the VWCU was stated to have been achieved in May 2014. However, Inspectors have learned that some areas of business including dealing with matters in some Crown Court areas had not been fully realised at the time of review. There were plans to do so though and to this extent the recommendation has been assessed as achieved. Inspectors recognise that this was a complex undertaking with a range of significant challenges. However, the most significant aspects of the milestones now reached is a single point of contact for victims and witnesses who may have to attend court. Secondly, and perhaps equally important, is the principle of joint working which has been achieved in a number of respects in the VWCU which, although led by the PPS, has significant PSNI input and staffing. Similarly, VSNI staff are also embedded within the VWCU and the latter has proven to be of very considerable benefit. A visit to the VWCU and engagement with a range of staff confirmed there were some areas for further development. Inspectors have discussed these with PPS management. However, they include realising efficiencies such as maximising accurate contact details for witnesses, reducing the checking of unnecessary availability and the allocation of work across the Unit.

³ The R4 was a specific PSNI change programme which set service delivery standards.

Victims and witnesses recommendation 5

Inspectors recommend the amalgamation of all post-conviction VIS [Victim Information Schemes] under the supervision of the PBNI.

Status: Achieved

Agency response

PBNI

The three post-conviction Victim Information Schemes (PBNI, NIPS and DoJ) were co-located at the PBNI Victims Unit, High Street, Belfast on 8 October 2012.

The NIPS secondee commenced in post at the co-located Victims Unit on 8 October 2012.

A Ministerial launch of the co-located Victims Unit took place on 27 March 2013.

A Memorandum of Understanding/Joint Protocol was signed by senior representatives on 27 March 2013.

A co-located Steering Group was established on 16 December 2011 since which time the group has met on a regular basis.

Several meetings have taken place with the DoJ to consider the merits of seeking amendment to legislation to facilitate full amalgamation of the three Schemes. To this end, DoJ have identified a member of staff to assist PBNI in completing an options appraisal to determine the necessity of seeking amendment to legislation. CJI have also been consulted.

A co-located information leaflet, poster and headed paper were developed and have been in use since 27 March 2013.

Inspectors' assessment

While some challenges surrounding underlying issues of staffing and location remain these are not insurmountable and should not derail the progress to date.

Victims and witnesses recommendation 6

In order to address the needs of victims who:

- **do not engage the criminal justice system;**
- **have difficulty accessing criminal justice services;**
- **need help beyond the period when the criminal justice process has ended; or**
- **who need specialist assistance for reasons of vulnerability;**

the DoJ should further develop advocacy services.

Status: Achieved in part

Agency response

DoJ

In January 2013 an options paper in relation to advocacy services was submitted to the Victims Champions Forum. Agreement was provided to pursue the option to build on existing provision and incorporate into the VSNI structure.

In July 2013 a one year pilot commenced with VSNI. The first six months of the pilot were used to develop VSNI's criminal justice knowledge base, produce a procedural manual, skill up staff and standardise advocacy provision across the organisation. The second six month period (22 January - 21 July 2014) is currently testing the provision of an advocacy service as part of VSNI's services.

An evaluation is to be completed at the end of the pilot.

Inspectors' assessment

At the most basic level the DoJ have progressed this recommendation by way of a pilot which was ongoing at the time of writing with its full evaluation pending. CJI is content that the spirit of the recommendation is on the way to achievement. However, until the evaluation is conducted and decisions are made on the way forward, we can only declare that the recommendation is achieved in part. Inspectors would wish to ensure that all victims, including those who may not enter the criminal justice system, have access to specialist services, which not only support and signpost them, but also where necessary in a very small minority of more serious or complex cases, have access to advocacy services aligned to the existing support structures.

Victims and witnesses recommendation 7

Inspectors recommend that victims letters should be revised by the PSNI to take account of the matters raised in this report at paragraphs 2.29 and 2.30.

Status: Achieved

Agency response

PSNI

The R4 principles are the service delivery standard for police.

Victims of crime receive a 'Victim Information Card' as outlined.

As a result of the review in September 2012 the PSNI no longer write to victims of crime.

The Police Service is currently working with the DoJ and other agencies to develop a revised information card/leaflet for crime victims. This work takes into account commitments within the forthcoming Victims Charter. It is hoped that the leaflet will be finalised over the summer.

PPS

The VWCU is responsible for most of the written communication with victims. These letters have been revised to ensure their content is clear and their tone appropriate. The PPS consulted with VSNI, NSPCC, YJA and CJI on a representative sample of the draft letters prior to implementation and took on board all comments made by those organisations.

Inspectors' assessment

While some work aligned to the VWCU processes was still under-way, the spirit of this recommendation can be said to have been achieved. Through visits to the VWCU and other ongoing contacts, Inspectors have learned that the letters received by victims have been subject to several reviews and revisions. This has now culminated, post the development of the VWCU, to a new approach in which victims receive an information card from police during initial investigation stages. The latter provides victims with details of the investigating officer, his/her contact details and signposts the services of VSNI. Follow-up contact and information is provided by a dedicated VWCU staff member once a file has been passed to the PPS. As the response also highlights, this is subject to further review which will meet the requirements of the recently launched Victims Charter.

Victims and witnesses recommendation 8

On the matter of post-foundation training, Inspectors would recommend the PSNI examine how they can deliver appropriate victim focused refresher training to officers who are routinely engaged in public response (whether by way of call management or physical response) at key stages.

Status: Achieved

Agency response

PSNI

The Police Service acknowledges the need to constantly update officers' skills base in relation to victim focus and as such the following work was undertaken:

- *a Training Needs Analysis (TNA) to identify specific needs in relation to victim-focused refresher training;*
- *a full training plan developed post-TNA for agreement by PSNI Strategic Training Review Group in October 12.*

Outcomes from the TNA will be contained within the strategic training plan and will be implemented over the next three-year period.

Current work includes refresher training to district and specialist officers in regard to:

- *identification of vulnerability and intimidation;*
- *special measures provisions; and*
- *registered intermediaries.*

Inspectors' assessment

It is clear that the PSNI have been developing post-foundation officer training and Inspectors were advised that since 2012, the Service has delivered new and refresher post-foundation training in a range of areas. In addition to the matters surrounding special measures above, this has included related areas such as victim support, customer service skills and vulnerable adults. In the planning of new or refresher training, the PSNI advise that thought is given to any possible impact on crime victims and the delivery of training is tailored to take account of this. The response also indicates a commitment to deliver unspecified training over the next three years. The recommendation can therefore be assessed as achieved.

Victims and witnesses recommendation 9

Inspectors recommend that the PPS review of letters take account of the findings and comments at paragraph 3.12 and paragraphs 3.14 - 3.18.

Status: Achieved

Agency response

PPS

The PPS took account of CJI comments and findings in developing a revised suite of letters. The PPS also invited CJI to meet and discuss the revised letters and to comment on them. Those comments were taken into account in the final versions.

VSNI, the NSPCC and the YJA were also consulted through face-to-face meetings and all comments taken into account.

Inspectors' assessment

The PPS suite of letters which are forwarded to victims have been subject to a fundamental review. CJI was invited to comment on the revisions and offered further advice which has been assimilated.

Victims and witnesses recommendation 10

It is recommended that the CLTs become a WCU and that the role is extended to the Crown Courts. *NB* This recommendation is linked to the recommendation regarding the establishment of WCUs.*

Status: Achieved

Agency response

PPS

Achieved as above.

Inspectors' assessment

This matter was linked to the recommendation of the establishment of VWCU's referred to in recommendation four.

Victims and witnesses recommendation 11

Inspectors recommend that the PPS incorporate dedicated training on the care and treatment of victims and witnesses as part of its system of continuous professional development.

Status: Achieved

Agency response

PPS

The PPS engaged VSNI to develop and deliver a training package on re-victimisation. This session was delivered to all relevant staff.

Further training on a range of issues relevant to the treatment of victims and witnesses has also been delivered, for example, by the NSPCC on communication with young people.

Additionally, the PPS has arranged training to prosecutors, counsel and relevant support staff on a range of victim related issues such as prosecuting sexual offences (from a CPS prosecutor), communicating with bereaved people (from CRUSE), communication with young people and developmental stages (from the NSPCC).

Inspectors' assessment

As highlighted by the PPS in its response to this recommendation, a range of relevant training has been provided to PPS staff, which has been verified by Inspectors. It is hoped that the Victims Champions will continue to ensure that appropriate attention is paid to this vitally important aspect of work.

Victims and witnesses recommendation 12

The Criminal Justice Board should implement technical solutions across the criminal justice system 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. This should be regarded as a 'self-service' facility in which victims and witnesses, using a unique reference can access information about their case from soon after first report until its disposal. Such a service should also signpost support services, where appropriate.

Status: Achieved in part

Agency response

PPS

A Victim Information Portal has been developed which will provide online access to case updates to victims – work is ongoing in preparation for roll-out of the portal in Autumn 2014. The VIP project is ongoing and well advanced. The go-live date of mid October 2014 for Phase 1 has however been delayed due to technical reasons relating to the Ministry of Justice taking over the Portal in England, and the knock-on effect this has had in going-live with the system in Northern Ireland.

The victim and/or witness will receive updates by their preferred means of communication at key stages in the case. They are also given a named point of contact who can be contacted directly if the victim or witness has further queries.

Inspectors' assessment

Inspectors always acknowledged that this recommendation would be a longer term project, but are pleased to see some progress; albeit the proposed roll-out of a victim portal in Autumn 2014 has been delayed. This is a project which, even on roll-out, needs to be continually developed in order to keep pace with the needs of modern society.

Victims and witnesses recommendation 13

The DoJ should consider how it can measure the costs and issues arising in 'cracked' and 'ineffective' trials⁴ highlighting where costs can be saved and outcomes for victims and witnesses improved.

Status: Achieved in part

Agency response

DoJ

This work has been overtaken by the subsequent recommendation in CJI's early guilty pleas report. The NICTS are taking forward work to measure in detail the impact of cracked and ineffective trials.

PPS

The PPS is now beginning to make use of cracked and ineffective trial data from the NICTS – in fact this information now forms part of the new suite of key performance measures for the Service. However there is some uncertainty re the quality of the NICTS data – accordingly the PPS has worked with the NICTS to try to validate the figures re reasons for adjournments.

Inspectors' assessment

This is an issue which requires ongoing work. CJI has addressed it in a number of reports including avoidable delay, securing attendance at court and victims and witnesses. However, it continues to be a problem and the criminal justice system response to it protracted. We acknowledge that a range of initiatives including many reported elsewhere in this report, such as statutory case management and surrounding work to advance early guilty pleas, will all combine to impact in this area. This is work which, even when completed, will take time to filter through.

⁴ The definitions of 'cracked' and 'ineffective' trials taken from the CJI report on early guilty pleas of February 2013 are: - Cracked trial: on the trial date no further trial time is required and the case is closed. This may be because the defendant offers acceptance pleas or the prosecution offers no evidence. Ineffective trial: On the trial date, the trial does not go ahead due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required.

Victims and witnesses recommendation 14

Systems must be agreed and put in place (supported by the PSNI, the PPS and the NICTS) to support operational police officers and ultimately victims in providing timely and accurate information with regard to bail, starting with the most serious cases. However, in view of the Law Commissions' expected report Inspectors make this a conditional recommendation.

Status: Achieved

Agency response

PSNI

VWCU process takes account of requirements to provide victims with prompt and accurate information concerning the granting of bail or where bail is varied.

The VWCU case officers inform all victims concerning relevant bail matters and where possible in a way that they prefer, normally by telephone.

PPS

The PSNI has confirmed that the provision of information on bail from the NICTS via Causeway is sufficient.

Procedures have been put in place in the VWCU to update victims about the grant of bail.

Inspectors' assessment

The Law Commission published its report on *'Bail in Criminal Proceedings'* in September 2012. This had no direct bearing on this recommendation. Inspectors confirmed the existence of procedures addressing the issue of bail, but also established some operational confusion. Clearly not all VWCU staff were aware of existing procedures with potential confusion and negative outcomes for individual victims. For Inspectors, this simply affirmed the need to further embed existing procedures. Despite the operational gaps, the recommendation has been met.

Victims and witnesses recommendation 15

Inspectors recommend that the Criminal Justice Board introduce guidance on a victim impact scheme in Northern Ireland and that the lessons learned from implementation of the victim personal statement in England and Wales are considered in doing so. Once agreed, the guidance should be available to the public.

Status: Achieved

Agency response

DoJ

A scheme has been developed by the PPS, PSNI, VSNI, NSPCC and DoJ and introduced to ensure that a victim in a case in which there has been a conviction is alerted to the availability of the scheme.

Police have trained VSNI and NSPCC staff in the taking of statements.

Technical arrangements have been put in place via Causeway for the statement to be put on Niche in an appropriate evidential format and shared with the PPS.

The PPS will redact VPS [Victim Personal Statements] if necessary, share with the Defence and serve on the Court at sentencing stage.

Inspectors' assessment

Victim Personal Statements were formally introduced in December 2013. For the six month period from January - June 2014, a total of 112 such statements have been recorded. Inspectors heard some concerns regarding the embedding and take-up of this scheme. It is pleasing to note that the recommendation had been achieved.

Victims and witnesses recommendation 16

Inspectors recommend that the DoJ works with the NICTS and VSNI to develop a clear system of voluntary referrals and thus support for victims/victims families and other witnesses who attend Coroners' Courts.

Status: Not achieved

Agency response

DoJ

Following a scoping study, the DoJ in conjunction with the Coroners Service and VSNI arranged for a pilot support service to be provided by Victim Support Witness Service to civilian/non-family witnesses in 'criminal' related inquests at the Coroners' Court. The pilot ran from September 2012 to March 2013.

An evaluation of the pilot found that the majority of inquests related to non-criminal related cases and the number of witnesses in 'criminal' related inquests was very small. It was concluded that it would be disproportionate and unfeasible for such a Witness Support Service to be maintained.

Inspectors' assessment

Initially there was some confusion as to the intent of this recommendation. Therefore a more narrow view of the support for witnesses and families who have to attend Coroners' Courts in Northern Ireland was taken than the spirit of this recommendation intended. That also meant that the outcome of the scoping study conducted was limited. The broader view taken by CJI is that any inquest matter is and should be regarded as part of the justice process and that the support for victims and witnesses, especially in Coroners' Courts, should be as inclusive as possible. In addition to the supports already in place, for example, via Coroners Liaison Officers, the approach and the support available to victims and witnesses at Coroners Courts could be enhanced by broader considerations, including listing practice (with consideration of venues), together with practical support from courts staff. The DoJ and NICTS staff have indicated their willingness to re-examine options which could see the spirit of the recommendation being addressed and the experience of victims and witnesses at Coroners Courts improved further in the future.

Victims and witnesses recommendation 17

Inspectors recommend that the broad demarcations of lead responsibility for victim and witness care in the criminal justice system are firmly established and followed as below:

- **report to decision to prosecute – PSNI; and**
- **decision to prosecute to disposal – PPS.**

Status: Achieved

Agency response

PSNI

Police officers provide personal updates to crime victims at regular intervals:

- *within 10 days;*
- *within or around 30 days;*
- *within or around 75 days.*

Additionally police officers will also update a victim if there has been a significant development in their case, when the case is submitted for PPS decision for example.

To help support the VWCU, the Police Service provided training to officers to raise awareness and responsibilities concerning victim and witness care.

Further reference to witness care responsibility has been included within the draft VWCU service procedure.

VWCU process means that when police submit an investigation file to the PPS for decision (including charge files) the victim receives a 'file received' notification from the VWCU case officer.

PPS

The VWCU establishes the agreed systems for communication with victims and witnesses.

Inspectors' assessment

The purpose of this recommendation was to address the gaps in the PSNI and PPS responsibility for parts of victims and witness care. It was envisaged that lead (not sole) responsibility would assist in creating a culture of ownership and responsibility. The implementation of the VWCU across Northern Ireland has operationally achieved this result. This is especially apparent when a case file is passed to the PPS when lead responsibility for communicating with victims and witnesses is undertaken by the PPS led VWCU.

Victims and witnesses recommendation 18

In respect of the gap between policy and practice Inspectors consider that individual agency Victims Champions (when appointed) should examine their own regimes in terms of:

- **a focus on outcomes for victims and witnesses;**
- **the importance and priority given to victims and witnesses issues;**
- **the performance indicators which underpin points one and two above;**
- **the quality assurance mechanisms in place to support monitoring/measurement; and**
- **supervision monitoring of the care and treatment of victims and witnesses which supports the fourth point above.**

Status: Achieved

Agency response

DoJ

Under the Victim and Witness Strategy all organisations reflect their commitment to improving the services provided to victims and witnesses by including specific actions in their corporate and business plans. This includes an aim relating to victim and witness satisfaction.

PPS

The PPS has appointed a Victims Champion at a senior level – the Senior Assistant Director for Casework.

He has appeared before the Justice Committee on a range of victim related issues, including the new VPS Scheme and has engaged with the media on a range of issues pertaining to victims and witnesses.

Further policy developments include VPS, reducing waiting time at court, review of witness expenses policy and guidance in relation to specific types of offences such as sexual offences and hate crimes. Guidance on consulting with witnesses has been developed. The PPS Victims and Witness policy will be reviewed within the next year to bring it up-to-date with the new service delivery via the VWCU and the other new developments outlined.

In terms of our business planning arrangements, the PPS recognises the importance of building effective relationships between victims and witnesses, the PPS and the CJSNI [Criminal Justice System Northern Ireland] – improving services is key to this. Indeed one of the seven strategic objectives set out in the current PPS Annual Business Plan relates directly to service provision for victims and witnesses (Objective 2.1). Under this objective we have set out a range of internal and inter-agency victims and witnesses initiatives which we will progress – including the VWCU evaluation, the Victims and Witnesses Information Portal and the review of our Victims and Witnesses Policy. A number of related measures are also included in our suite of KPIs, including victims and witnesses satisfaction and special measures.

In addition a range of measures/performance data have been developed in order to monitor the VWCU – this includes the use of a postal survey questionnaire so that victims and witnesses who have used the service can feed back their views. The VWCU evaluation will also include a stakeholder analysis which will take on board the views of victims and witnesses – while the approach has still to be agreed, we will work with VSNI in taking this forward.

More work is to be done around evaluating victims and witnesses satisfaction and the PPS will meet with the DoJ to discuss [the] successor of NIVAWS [Northern Ireland Victim and Witnesses Survey] to continue to monitor victim and witness satisfaction levels.

NICTS

The NICTS Victims Champion has, since his appointment, maintained a particular intention to improve the experience of victims and witnesses attending court. He has ensured that there are specific business objectives to achieve these improvements included in the NICTS annual business plans, most recently relating to the development of waiting time standards and evaluating the effectiveness of two new remote link facilities. These objectives, among others, are included in the inter-agency action plan to deliver the Department's strategy for making a difference for victims and witnesses of crime and are therefore subject to specific targets and milestones. The Victims Champion maintains close links with statutory and voluntary sector partners to drive forward these improvements and to seek feedback on any emerging issues.

PBNI

The PBNI have continued to focus on performance measurement; i.e. victim feedback/evaluation re services provided; monthly monitoring of case records and the continuous professional development of Victim Information staff. PBNI have also established a Victim Reference Group which meets twice a year.

The PBNI Board formally adopted the organisation's Restorative Practice Strategy in March 2014.

In February 2014 the PBNI Area Manager was successful in her application for a Winston Churchill fellowship to undertake research into Restorative Interventions (RI).

Finally the PBNI Board approved the secondment of an experienced RI worker to assist PBNI staff in May 2014. However, due to a 5.6% in year budget cut, this was not proceeded with.

Inspectors' assessment

There is considerable evidence of efforts to improve the position of victims and witnesses via Victims Champions across the criminal justice system. Much of the evidence of that is contained in the overall assessments of progress contained elsewhere in this report. However, there is also evidence of a variable approach which can be dependant on a range of issues including individual commitment. However, overall, significant challenges remain in sustaining the gains described in the current fiscal climate. The Victims Champions, their visibility and enterprise remain central to that endeavour.

Special measures recommendation 1

Inspectors recommend that the DoJ oversee the development of a Witness Charter for Northern Ireland.

Status: Achieved

Agency response

DoJ

A draft Victim Charter is currently out for public consultation.

The development of a Witness Charter is included as an action in the Victim and Witness Strategy. This will be taken forward in years three to five of the Strategy (2015-18).

It is intended to introduce the Victim Charter on an administrative basis by the end of 2014 and provide for this on a statutory basis by late 2015, following commencement of the relevant provisions in the Justice Bill 2014.

Inspectors' assessment

It is pleasing to report additional progress not only since the original recommendation, but since the agency responses above. A new Victim Charter was launched in Northern Ireland by the Minister of Justice in January 2015. The Charter sets out the services to be provided to victims of criminal conduct in Northern Ireland by a range of service providers. The Charter sets out entitlements and the standards of service that victims can expect. It also provides for victims' entitlements as set out in relevant parts of the European Victims Directive. While it remains administrative at this stage and is expected to be given a statutory footing shortly, this means that the recommendation has been achieved.

Special measures recommendation 2

Inspectors recommend a clear expression in PSNI policy of the need to discuss special measures and complete an individual needs assessment in appropriate cases in any new policy once it is issued.

Status: Achieved

Agency response

PSNI

Specific training on special measures provisions was delivered to response and neighbourhood police officers across the PSNI. To support training a special measures interviewer's aide-memoire was issued to the Service and made available to Blackberry mobile data users.

The need for police to assess victim/witness vulnerability and/or intimidation has been referenced within VWCU Service Procedure.

Continuous improvement activity includes refresher training to district and specialist officers in regard to:

- *identification of vulnerability and intimidation;*
- *special measures provisions;*
- *registered intermediaries.*

Inspectors' assessment

Significant work has been done within the PSNI to ensure a more broad and relevant understanding of the issues surrounding special measures and in particular their early identification which fully meets the recommendation.

Special measures recommendation 3

A guide to working with intimidated witnesses for police and criminal justice system practitioners, such as is available in England and Wales, is not available in Northern Ireland. Inspectors therefore recommend that the DoJ oversee the development of such a guide, with consultation and contributions from all relevant agencies, which should inform all criminal justice system practitioners and the public alike of the criminal justice system processes and of the help and support available. When developed, such guidance may act as a reference for criminal justice organisations internal policies and an addendum to the ABE [Achieving Best Evidence] Guidance.

Status: Achieved in part

Agency response

DoJ

Work on this is currently underway. It is hoped to finalise the guidance by June 2014.

NICTS

The NICTS has a policy for countering intimidation on court and tribunal premises which has been shared with the DoJ to assist in the development of this guide.

PSNI

Implemented - the Police Service issued a guide to working with vulnerable and intimidated witnesses in 2012.

The Service has received draft intimidation guidance from the DoJ which it is currently reviewing.

Police Service management of any direct or indirect threat to life or serious harm is set out within a service procedure. This provides a standardised procedure to police officers dealing with threats to life.

Inspectors' assessment

There has been some progress in meeting this recommendation and Inspectors understand that a guidance manual has been completed and approved. This will shortly be made available for practitioners. While delivery was expected in June 2014 and work was well advanced, at the time of writing it had still not been delivered to practitioners. Despite an expectation that the recommendation will shortly be met in full; until such time as the guidance is issued the assessment must remain as achieved in part.

Special measures recommendation 4

Bearing in mind the significant difficulties with the identification of VIWs, it may be helpful to provide a suitably short appendix within the ABE Guidance specifically to inform and assist operational police officers. This and other guidance material can then be made more widely available via electronic media for reference as required.

Status: Achieved

Agency response

DoJ

Guidance by way of appendix to ABE titled 'Prompts to assist police interviewers in identifying vulnerable and intimidated witnesses' has been put forward to the DoJ for inclusion at next revision of ABE guidance.

Access to the same guidance has been provided to operational police by digital publishing within PSNI Police Net Service Improvement A – Z Guidance Centre.

In May 2012 access to 'short' digital guidance titled 'Witnesses and Special Measures' was made available to all Service Blackberry users.

PSNI

The Police Service has provided the DoJ with an appendix to ABE titled 'Prompts to assist police interviewers in identifying vulnerable and intimidated witnesses.'

A DoJ commitment to update ABE has been given in the 'Making a difference to victims and witnesses of crime victim and witness strategy' during years 2015-16 – 2017-18.

Inspectors' assessment

The recommendation made by Inspectors in 2011 recognised that there would be a gap in delivery of this recommendation and this has proven correct. The existing Victims and Witnesses Strategy commits to an update in years 2015-16 – 2016-17. Whilst ABE guidance has not itself therefore been reviewed as yet, a suitable revision has been developed and made available to practitioners in the interim. Given the availability of this guide, Inspectors are content to assess the recommendation as achieved.

Special measures recommendation 5

Inspectors recommend that the PSNI and the PPS agree a broad structure for case outlines which incorporates the flagging of VIWs, including those who may be assessed as vulnerable by reason of age or offence only.

Status: Achieved in part

Agency response

DoJ

Changes have been made to Causeway to flag vulnerable and intimidated witnesses.

PSNI

Police Service activity to date has focused on creating a structured case outline and an additional information form (separate forms) that benefits both the PPS and defence i.e.

- *case outline and additional information form shared to the PPS; and*
- *case outline only to defence.*

The Service Improvement Department consulted and sought feedback from the PPS and operational officers on the draft structured outline and additional information form.

However at this stage and in the absence of other case enablers to drive 'early guilty pleas' a decision has now been taken to introduce a single case outline integrating additional information for the PPS. This form will not be shared with defence.

A further short consultation and review is planned before the case outline is introduced across the Police Service wide which should be within the next six months.

PPS

It is envisaged that receipt of witness care reports will greatly assist in the early identification of the need for special measures. We understand that the deployment of 'digipens' to PSNI staff and associated IT work are pre-requisites to this happening.

The PPS have been working closely with the PSNI on the development of a 'Prosecutor Information Form' (PIF) which comprises a case outline along with a variety of sections aimed at advising the prosecutor, inter alia, of the needs of witnesses and whether special measures are considered to be necessary and appropriate. Furthermore, the PIF will contain specific fields which will alert the prosecutor as to whether a witness is deemed to be intimidated or vulnerable by reason of age or offence category.

The new PIF is at an advanced stage of development. It is envisaged that the PIF will be issued as part of a pilot scheme due to be operated in the County Court Division of Ards from January 2015.

The PPS and PSNI have agreed a Service Level Agreement (SLA) on special measures which was formally signed off in late 2014. The SLA spells out the duties of the PSNI in terms of the identification of vulnerable

and intimidated witnesses and notification to the PPS of those witnesses.

Inspectors' assessment

This recommendation was assessed by Inspectors to be relatively undemanding but fundamental to ensuring that police officers and prosecutors considered vulnerable witnesses in every case. Inspectors acknowledge that work has been undertaken which seeks to address this recommendation. However, it remains the case that a structured outline for cases has not been fully delivered. A finalised and agreed protocol or SLA between the PSNI and the PPS has very recently been implemented which will to some degree address the issues underlying the recommendation. An agreement on the structured outline of cases, as part of a broader agreement between the PSNI and PPS, is fundamental to this relationship. It should be underpinned by a common framework for business delivery.

Special measures recommendation 6

Inspectors recommend that the PSNI issues appropriate instruction to its staff to ensure, that where possible, evidence in support of special measures applications accompanies case files from the outset.

Status: Achieved

Agency response

PSNI

Police training on special measures provisions was delivered to the Service. To support training a special measures interviewer's aide-memoire was issued to the service which states the requirement for evidence in support of special measures to be included in the case file.

PPS

A Service Level Agreement has been drafted between the PPS and PSNI. It is expected that this will be finalised in May 2014. This document sets out the roles of the respective organisations and clearly sets out that the PSNI are required to gather evidence in support of a special measures application.

PSNI officers now have access to sample statements on their 'Service Improvement A-Z guidance'. This includes examples of statements which have led to successful and unsuccessful applications.

The PSNI and PPS have jointly developed elements of a training programme for the PSNI which was completed by March 2013.

Inspectors' assessment

This recommendation has been achieved in full. The outcome in terms of individual case files and the accompanying evidence will have to be assessed in due course.

Special measures recommendation 7

Inspectors recommend as part of its ongoing work, that the NICTS should examine the feasibility of providing video-link facilities which would allow witnesses to hear and see what is going on in court in a separate room, and which would maintain the integrity of their separation from the court, but allow vulnerable and/or intimidated witnesses to feel part of the proceedings.

Status: Achieved in part

Agency response

NICTS

The NICTS has developed proposals and instructions for those cases which may be suitable for live video link technology to be used in this way. However VSNI and the NSPCC are exploring how these proposals can be implemented without compromising the level of resource available to support other vulnerable witnesses as they give evidence.

This facility is already used on an ad hoc basis and where possible.

Inspectors' assessment

While some work has been done to meet this recommendation, resources remain integral to the extent of its achievement. Bearing in mind the issue of resources and the critical need to prioritise, Inspectors understand that meeting this recommendation may not take precedence. However, if the facility is to be delivered on an 'ad hoc' basis it should be considered in terms of the presenting risks and vulnerabilities in individual cases.

Special measures recommendation 8

Inspectors recommend as part of the Witness Care Unit programme/project plan, a dedicated project work-stream is established aimed at ensuring a clear, comprehensive and auditable system of updates for witnesses regarding the process of special measures applications.

Status: Achieved

Agency response

PSNI

VWCU process takes account of requirements to provide victims with prompt and accurate information concerning the granting or refusal of special measures applications.

Where the special measures application has been refused the VWCU provides information concerning possible alternative support arrangements at court.

PPS

Victims and witnesses are provided with specific information on:

- *the application process;*
- *the fact they will be informed of the outcome of the application; and*
- *alternative support that may be available to them at court if the application is unsuccessful.*

In addition a special measures leaflet is issued along with the letter of a decision to prosecute to victims and with the requirement to attend letter for witnesses. The leaflet explains who is eligible and the application process for special measures as well as contact details of relevant organisations.

At key stages, their needs are re-assessed and their views again sought on special measures provision.

On 19 April 2012, the PPS introduced a procedure to inform victims and witnesses of the grant of special measures. Victims and witnesses are now notified in writing if special measures are granted or refused by the court. The letters are retained as a matter of record and are auditable.

Inspectors' assessment

It is positive to note the work taken forward to achieve this recommendation. The processes to allow victims and witnesses to be fully informed are in place.

Special measures recommendation 9

Inspectors recommend that a criminal justice system-wide leaflet is developed and made available, which clearly sets out for witnesses, the kind of support available to them, and the organisations who may provide it. This includes on the NI Direct website and that this is also linked via the various criminal justice system agency websites.

Status: Achieved

Agency response

PSNI

The PSNI and PPS representatives of the Special Measures Action Group developed an information leaflet for witnesses. This is an easy read style leaflet designed to help witnesses understand special measures provision using language that is easy to understand.

Digital versions of the leaflet have been published within the Police Service intranet and PSNI and PPS external websites.

PPS

This leaflet has been devised between the agencies and is now widely available.

Inspectors' assessment

The full delivery of this recommendation has been achieved.

Special measures recommendation 10

Bearing in mind that some witnesses who might be eligible for special measures have a change in circumstances (for example where intimidation occurs in the period between initial police investigation and trial), Inspectors recommend such leaflets should be forwarded by the PPS to accompany correspondence concerning the calling of witnesses to court (requirement to attend letters).

Status: Achieved

Agency response

PSNI

The special measures information leaflet issues to the crime victim from VWCU when a decision is taken to prosecute.

The leaflet issues to prosecution witnesses when they are notified of a requirement to attend court.

The VWCU conduct witness needs assessments during the prosecution stage. Special measures provision is discussed with the witness and further information provided including the leaflet as appropriate.

PPS

This leaflet has now been completed and is being provided to witnesses with the requirement to attend letter.

Inspectors' assessment

This recommendation has been achieved in full.

Special measures recommendation 11

Inspectors recommend the programme/project plans for the development of Witness Care Units should include protocols that will ensure it can act as a 'safety net' to the identification of VIWs.

Status: Achieved

Agency response

PSNI

The VWCU process ensures that case officers conduct victim and witness needs assessments at key stages in the prosecution process.

The VWCU process:

- *Initial – shortly after the decision to prosecute is taken (victim);*
- *enhanced – when seeking witness availability to attend court; and*
- *confirmation – when the witness has not confirmed that they will be attending court as required.*

In addition, witness needs assessments can be conducted at any other stage of the process as appropriate.

If vulnerability/intimidation is disclosed or suspected during any needs assessment process details are recorded and the investigating police are tasked to cause further enquiry with the witness.

PPS

The VWCU carry out their assessment of the needs of the witness which is independent of that carried out by the PSNI. As part of this needs assessment, the VWCU invite the witness to advise them of changes in circumstances which may be relevant to vulnerability, intimidation or particular needs.

Inspectors' assessment

This recommendation has been achieved in full.



Conclusions

Considerable progress has been made since publication of the CJI reports in 2011 and 2012. Of all 28 recommendations made across the two inspections, 27 (96%) have been achieved either in full or in part. Only one has not been achieved, while six (21%) remain achieved in part. The assessment of one concerning delay has been transferred, and so has been removed from these calculations. Despite some challenges, including that of maintaining and sustaining change, the figure of 96% achieved in full or in part clearly represents remarkable progress.

Supporting the progress indicated, there is a continuing trend of high satisfaction rates. This is demonstrated in the latest survey results which have highlighted that:

- the proportion of respondents who reported being satisfied with the way they had been treated while giving their statement to the police has been consistently in excess of 90%;
- there has been a significant increase in the proportion of respondents who reported that they had been kept informed by a criminal justice system source on how their case was progressing (up from 63% in 2008-09 to 73% in 2013-14);
- there has been a year on year increase in the proportion of respondents who reported having been offered the opportunity of a pre-trial court familiarisation visit (up from 27% in 2008-09 to 51% in 2013-14);
- the proportion of respondents who reported being satisfied with the information received prior to the trial date to prepare them for going to court has been consistently high across all surveys, peaking at 87% in 2013-14;
- there has been a consistent year on year increase in the proportion of respondents who reported that they understood what was happening in court while they were there (up from 82% in 2008-09 to 94% in 2013-14);
- across all five surveys, the vast majority of respondents (over 90%) who met the PPS lawyer before entering the courtroom felt that he/she had been courteous towards them; and
- across all years, the majority of respondents who ultimately gave evidence, considered that the magistrate or judge had been courteous towards them (over 80% for each year).⁵

⁵ Victim and witness experience of the Northern Ireland criminal justice system: 2008-09 – 2013-14 Research and Statistical Bulletin 3/2014, Northern Ireland Statistics and Research Agency, June 2014.

In addition, in terms of overall satisfaction with the criminal justice system the latest findings for 2013-14 compared with 2008-09 show:

- an increase in the proportion of respondents who reported being satisfied with the information they had been given about the criminal justice system process (65% in 2008-09; 70% in 2013-14);
- a significant increase in the proportion of respondents who reported being satisfied with how well they had been kept informed about the progress of their case (54% in 2008-09; 63% in 2013-14);
- no substantive change in the proportion of respondents satisfied with how well they had been treated by staff in the criminal justice system (79% in 2008-09, 80% in 2013-14); and
- an increase in the proportion of respondents who reported being satisfied with the contact they had with the criminal justice (65% in 2008-09; 70% in 2013-14).⁶

However, sizeable proportions of victims remain dissatisfied and for example, 25% were dissatisfied overall with levels of contact with the criminal justice system and 32% were dissatisfied with how well they were kept informed.⁷ This continues to reveal the challenge facing justice organisations as they strive to meet the very diverse needs of victims and witnesses. While commendable progress has undoubtedly been made, there is no room for complacency. Many issues remain individually and collectively for victims and witnesses. Inspectors heard recent and continuing concerns from the community and voluntary sector that in too many respects 'lip service' was still being paid to victims and witnesses. Principle among the concerns are those surrounding delay and for still too many witnesses, the fact that cases in the courts often do not proceed when expected.

Inspectors are optimistic that further progress will be made. This is based on a range of evidence including that contained in this report, the commitment of various leaders across the criminal justice system and the undoubted commitment and personal interest of the Minister of Justice.


Moving forward

What is clear in the current financial climate is that advanced services for victims and witnesses will not simply grow out of improvements in current approaches to service delivery. Standing still is not a credible option either in terms of the financial strictures, nor in terms of continuing improvement. While these are challenges they must not be seen as incompatible or conflicting, but rather as presenting opportunities for new thinking.

The overall message of the inspection is one of improving services since previous CJI work was undertaken. However, this needs continued focus if further and crucial improvements are to be made. This includes, for example, the extension and development of the VWCUs and the implementation of a Victim Information Portal. Achieving greater efficiency and effectiveness in times of austerity is a must to maintain and further enhance the apparent gains. It is efficiency which presents the greatest challenge. The importance of the subject of victim and witness care is central to the mission of the justice system and progress must not be allowed to lose ground.

⁶ Victim and witness experience of the Northern Ireland criminal justice system: 2008-09 – 2013-14 Research and Statistical Bulletin 3/2014, Northern Ireland Statistics and Research Agency, June 2014.

⁷ Ibid.



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