

Using Inspection to Build Confidence in the Criminal Justice System

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Good afternoon ladies and gentlemen. It's a real pleasure to have the opportunity to speak with you today around the subject of what is the 'holy grail' of policy makers and delivery bodies – building confidence in the criminal justice system. Particularly, I want to talk about the role that inspection can play in helping to increase confidence in the justice system in Northern Ireland.

I am acutely aware that this is the final slot of the day and I am mindful of the advice given to other speakers by no less a figure than Franklin D. Roosevelt, where he advised speakers in my position to “*be sincere, be brief and be seated!*”

As the ‘*Criminal Justice in a Shared Future*’ document notes, the winning of public confidence is essential to the effective working of the criminal justice system. This means that people need to be assured that the system is working effectively in order to have confidence in it.

There is a real risk that the inspection process can undermine public confidence through the publication of potentially, very critical reports on the operational activities of organisations within the justice system.

The question which arises is how can an inspection process help to *enable* rather than *disable* public confidence in the criminal justice system?

The answer to this question lies at a number of levels – more specifically, I would argue that a robust, independent, inspection process is fundamental to furthering public confidence.

The inspection agenda needs to provide an honest reflection of the strengths *and* weaknesses of the justice system, and provide a basis upon which a shared improvement agenda can be implemented moving forward.

Why is this case?

Firstly, increased public confidence in the justice system ultimately depends on the capacity of the system to deliver 'what it says on the tin'. There should be a shared agenda between the inspection agencies and the Inspectorate, around securing improvement in how things are delivered. It also means being clear about what successful delivery looks like – and challenging unrealistic expectations of what the system can deliver.

Secondly, confidence can be built by increasing the knowledge and understanding of the system and what it does. An inspection process can help to demystify 'justice' and provide meaningful comment on what works well... and what doesn't.

Thirdly, building confidence is multi-faceted. An inspection agenda must reflect the wide range of areas to be considered, particularly moving forward in a devolved political landscape.

➤ **Increasing public confidence in the criminal justice system**

Interesting work on public confidence in the justice system conducted by the Home Office in 2005 identified a number of factors that were important in influencing public confidence in criminal justice.

Across the groups surveyed, levels of public confidence in the criminal justice system as a whole were heavily influenced by:-

- *Views and perceptions of the police* – the police represented the public face of the criminal justice system and participants in the research felt they had a relationship with them and had a better knowledge of them than other agencies; and
- *Views regarding the local crime problem* – participants views on local crime provided the foundation for their opinion of criminal justice agencies – crime in their local area was seen to be a failing of the criminal justice system.

There were also clear factors that influenced levels of high and low confidence in justice.

High confidence in the criminal justice system was driven by people who:

- reported little experience of crime and criminal justice;
- showed enthusiasm about living in their local area which they believed to be relatively safe; and
- had complex views of the police.

Low confidence in criminal justice system however was driven by people who:

- reported more direct and indirect experience of crime and criminal justice;
- were informed by their own observations, word-of-mouth and the media; and
- had more mixed views of their area, and displayed more fear of crime.

Ultimately, confidence in the criminal justice system is based on the job being done well and those who come into contact with the system being treated with fairness and dignity regardless of the agency involved. It is also worth pointing out that perceived failures in one agency reflect badly on all criminal justice bodies – there is a shared responsibility on all of us.

What this means, of course, is that if the system is not delivering then no amount of 'positive' spin will help convince people that it is. Alternatively, if the system is delivering then people on the ground will see the benefits for themselves.

The strategic aim of Criminal Justice Inspection is *“to promote the effectiveness, efficiency and even-handedness of the criminal justice system in Northern Ireland.”* This means an agenda that focuses on those aspects which increase the effectiveness of criminal justice organisations and the ways they work together:

- Do the police in their dealings with the community reflect the image and levels of customer service we would like them to?;
- What should the relationship be between the police and the Prosecution Service?;
- What do we want our prisons and Probation Service to do in relation to resettlement and reducing re-offending?;
- How do we supervise the most dangerous people when they leave prison, and what are the implications of a public protection focus?;
- How do we provide a joined-up service to victims to ensure clarity and continuity of treatment? How do we give support and information to witnesses as they engage with the system?; and
- What court facilities will be needed for the administration of justice? Where should they be based and how can they be best accessed to suit the needs of partners and an ever demanding community?;

The ironic thing is that people have more confidence in a system they have had little contact with. Those who come into contact with the criminal justice system have less confidence in it than those who don't.

While overall confidence figures are on their way up, Northern Ireland Office (NIO) research in Northern Ireland in 2008 showed that people who have been victims of crime were less likely to express overall confidence in the criminal justice system.

They were also much less likely than non-victims to express satisfaction on several individual aspects of the criminal justice system. For example, 37% of non-victims perceived that the criminal justice system is meeting the needs of victims compared with 26% of recent victims. Ultimately, improving delivery will help improve confidence in the criminal justice system.

➤ **Demystifying criminal justice**

At a recent conference the previous head of the Crown Prosecution Service, Sir Ken MacDonald said: “*People do not have confidence in organisations they don’t understand and know nothing about.*”

While a difficult challenge, I believe that a further value of the inspection process is to demystify the criminal justice system and the way in works. Providing assurance that there are processes in place to deal with sex offenders in the community can engender public confidence. It also means challenging what might be unrealistic expectations. For example, emphasising that the role of Approved Premises *cannot* and *should not* replicate prison in the community.

The focus does not have to be on the negative aspects of the justice system. There is much we have found over the years that highlights the strengths in the way things are done. For example, public protection in Northern Ireland compares favourably with other jurisdictions which share the same anxieties about managing dangerous offenders in the community. And criminal justice agencies responded positively to our work on MASRAM, Approved Premises, prisoner resettlement and victims and witnesses.

It does mean, however, calling the situation as we find it - as only an open and honest dialogue can *really influence* performance improvement at an operational level.

The reality is that for the positive areas we highlight to be listened to, we are required to ‘*say what we see*’ in relation to those aspects of the system that require more work. We are not and cannot be a ‘*cheer leader for the criminal justice system.*’ Such an approach would undermine our credibility and the value of the work that we do.

I also think that the Inspection Reports themselves need to have a wider audience that the specific individuals and agencies who will be tasked with delivering the recommendations.

The Inspectorate cannot engage simply with criminal justice agencies – an example of the system talking only to itself!

We need to widen the audience to ensure that our reports - while keeping the core of what they do well - have a resonance beyond the operational priorities of individual agencies. They are not just technical documents written for the chosen few, but offer a wider commentary on the effectiveness and efficiency of the system.

This will become more important as a devolved Assembly and Committee structure provide a greater degree of scrutiny than has existed here to fore. I want our reports to be read and scrutinised and debated.

This is not a choice option. Good governance demands that we engage more fully with the public rather than with a few stakeholders. This is part of the process of developing confidence through building knowledge, understanding and debate.

➤ **Developing a meaningful inspection agenda**

Another dimension relates to the nature and scope of the inspection agenda itself. I have already mentioned that one critical dimension of the inspection process is to work with organisations as they seek to improve the effectiveness of the services they deliver.

At a very basic level this means working in partnership with other Inspection organisations to provide assurance that the ways in which people are treated within the system here are in line with good standards and practices adopted elsewhere. Our prison inspections for example, carried out in association with Her Majesty's Inspectorate of Prisons, focus on the outcomes for the prisoner. It does not seem unreasonable to ask the question: Are prisoners treated the same in Northern Ireland as they are elsewhere in the United Kingdom?

I also see an agenda that focuses more explicitly on the management challenges facing the criminal justice agencies – as they inevitably get to grips with delivering more for less within a devolved setting. Issues include:

- How can we reduce bureaucracy and direct more resources to the front line?;
- How can we strengthen the connection between the stated intent of senior management and delivery on the ground?;
- How do we maximise the value of training and development in support of managing change?;
- Is the maximum use being made of technology to facilitate high quality service provision?; and
- Do the administrative boundaries of the police, courts, and prosecution services enable communication, better decision making and enhance local accountability?

Criminal Justice Inspection is the only unified inspection body in the United Kingdom. This puts us in a unique position to identify the issues that are common to some or all agencies, and to promote inter-organisational good practice. The question of how long should it take from arrest, to prosecution and sentence can only be resolved by looking *across* the criminal justice system. Similarly, how victims should be treated cuts across all bodies from the police and prosecution service to the courts and prisons?

I believe the agenda should also include the linkages that exist between the criminal justice agencies and devolved Departments. The issue of mental health in prisons and those detained by the police, for example, cannot be considered without the significant involvement of the Department of Health, Social Services and Public Safety. Similarly, the question of how we improve early intervention for young people cannot be considered without reference to the Departments of Health and Education.

These issues present an ambitious agenda that will require time to consult, to formulate specifics, and work through scheduling and timescales. This is something CJI is tackling as we develop our Corporate Plan at the moment

Working in partnership

In conclusion, I want to say something about how we conduct our work. The work of the Inspectorate should conform to Government policy on Inspectorate bodies – to include openness and transparency etcetera. We have published our approach to Inspection and this has guided the work we have done over the past five years.

It does seem to me that there is an inherent tension in inspection between the need for an independent and objective assessment of performance, and the desire to ensure that we work in partnership with other organisations to secure improvement.

There is a real risk that this tension will increase under the goldfish bowl of increased political scrutiny, where to quote the Lord Advocate of Scotland the Rt. Hon. Elish Angiolini QC, *“criminal justice, more than any other area of Government activity, is vulnerable to the tyranny of the headline, of the last bad case, of the most recent horrific crime”*.

I believe these tensions can be overcome:

- by recognising the different roles each of the bodies and the Inspectorate play in the delivery of what should be a shared agenda – increasing public confidence in criminal justice through the efficient and effective delivery of services and activities;
- by developing a clear understanding of how organisations will engage with each other to further facilitate more effective partnership working. I see the need for a shared understanding - formalised if necessary - in an agreed protocol that highlights the role of the Inspectorate and the implications for inspected bodies, such as the development of Action Plans after inspection reports have been completed; and finally
- by having an agreed agenda on the challenges facing the justice system and working together to improve, where necessary, the services to the citizen.

We, in the inspection team, are committed to working with you to provide an honest, independent reflection of the strengths and weaknesses of the justice system. And by highlighting areas of good practice and providing a basis upon which a shared improvement agenda can be implemented moving forward.

We are committed to working *with you* to further develop *confidence* in the justice system.

Thank you.

