



CONFERENCE
25 January 2012

**Meeting the needs of victims and witnesses in
the Northern Ireland Criminal Justice System**

***Speech by Dr Michael Maguire,
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Minister, distinguished guests, ladies and gentlemen. Good morning and welcome once again to the CJI annual stakeholder conference. Thank you for coming and I hope you will have an interesting and challenging morning. Today's event is in a different format from before as we are focusing on the needs of victims and witnesses. We have chosen this subject because it touches on an extremely vulnerable group who enter into the justice system through no fault of their own and often come out of the experience the worse for wear. No-one could deny that the treatment of victims and witnesses continues to be a priority area. My challenge to you this morning is do you know what success looks like from the perspective of the victim?

The reality is that despite the best intentions of the justice system many of the difficulties raised by victims and witnesses have remained the same for a number of years. In the recent CJI inspection report on this subject, the needs of victims were depressingly similar to what had been heard before. The need for:-

- A single point of contact and access to regular information and updates;
- Speedy case progression;
- Access to specialist support services;

- Consistency of service across the justice organisations and indeed within the same organisation; and
- To have equal rights and status as others in the justice system.

The question I want to address this morning is why do these problems seem to be so intractable and what can be done about it. My views are based on the work undertaken by the Inspectorate across a range of subjects – many of them in different ways touch on the experience and treatment of victims and witnesses. In the last three years CJI has published 39 full inspections and 13 follow-up inspections. In 2011 alone our inspection work considered the issue from a variety of perspectives including restorative justice, securing attendance at court, public protection arrangements, PSNI customer service – among others. In previous years we have looked at youth conferencing, Donagh Sex Abuse Cases, Delay, domestic violence and sexual violence – all of which give some insight into the challenges the justice organisations face in meeting the needs of victims.

I am not sure that – despite the clear articulation the problems – I know what the answers are. What I can do is to point out some of the systematic issues that impact on the capacity of the organisations to respond appropriately. It seems to me that until and unless we consider this issue from the perspective of the victim or the witness in a meaningful way the problems will continue to be the same.

What do I mean by this? I think we have put to bed the issue of “putting the victim at the heart of the justice system”. This can never be the case. The reality of the situation is that despite many policies, practices and procedures and initiatives in dealing with victims and witnesses, the goals of the justice organisations do not have – at their core – the effective treatment of victims and witnesses.

There is therefore, at the heart of the discussion a core tension that needs to be recognised and acknowledged. Our system of justice ensures that once an offence has been reported to the police and referred to the prosecution service, decision making and the pursuit of a prosecution is taken out of the hands of the victim and placed in the hands of independent prosecutors.

The matter then becomes an issue between the State and the Defendant and the system has developed to primarily take account of the process of bringing defendants to justice.

This can mean that victims and witnesses can feel on the periphery of the justice system and that they can feel excluded from the administration of justice. It may also help explain why victims often feel the system spends more time thinking about the needs of the defendant rather than those who have been the victims of crime. In terms of outcomes of course we may never meet expectations.

We understand the operational pressures facing the justice organisations – pressures that will increase as the requirement to do more with less becomes apparent. The pressures, for example on front line police response officers who are dealing with many calls in an evening, who want to get the job done and move on to the next one. The pressures on prosecutors with a busy case load who often do not have the time to speak with victims. We also understand the pressures on the Courts trying to process cases and the logistics of doing that across the court estate.

Yet it is only by changing front-line behaviours that many of these issues will be addressed. Looking at the problem from the eyes of the victim you can see the challenge: –

- having to repeat to a police officer that your house has been subject to a series of racially motivated attacks over a two year period that he appears to be unaware of;
- not understanding why you cannot get information from the prosecution service in an open and transparent way and feeling that the rights of the defendant appeared more important than yours;
- receiving a letter on a sensitive family matter that lacked compassion and a basic understanding of human grief;
- feeling intimidated at seeing someone who attacked you in the corridor of a court house; and

- having to relive the experience of a crime in court many months and often years after the event.

From the perspective of the victim the justice system can be a cold and unforgiving place. It is a caution to those who feel that the answers to victims of crime lie solely in the judicial process.

This is not to imply that the justice system does not have a real desire to meet the needs of victims nor policies which are aimed at meeting these needs. It does mean that because the needs of victims and witnesses are swimming against the tide of operational reality, it is essential that an extra effort is made to help and support them as they progress between justice organisations.

The intractable nature of the problems highlights many of the issues raised in CJI reports around turning good intentions into operational reality. Saying it does not make it so – it is the extent to which the difference has been made at the front line that will determine success. What are some of the blockages?

We have commented before that the fragmented nature of accountability within the justice system does not help in achieving a “corporate” and systematic response. The Criminal Justice Board is essentially a policy grouping that increasingly finds its agenda consumed with delivery issues over which it has no direct responsibility.

As we move further into devolution the delivery of different more positive outcomes will be an increasing requirement. Is persuasion enough to achieve change – I am not sure that it is. We cannot avoid the fractured accountability – but we need to manage it.

A second challenge is to the senior management teams of the different justice organisations. It has often been said that delivery of CJI (and indeed) other recommendations requires more resources – in some cases this is correct. In other cases however it is changing the ways in which business is undertaken that will make a difference rather than additional resources. This means a number of things:-

- Current resources can be based on an historical allocation rather than a planned approach to how services should be delivered. In this context I can understand why additional resources would be called for – but such an argument is not likely to gain much traction. What should be stopped in order to meet a new agenda and a new way of doing business?
- A silo based approach to decision making can mean there is insufficient space given to alternative perspectives when making decisions. How often is the victim’s voice heard when the senior teams are making decisions?
- To what extent is the stated management intent on improving the service to victims and witnesses followed through into operational reality? Does the operational “day job” consume thinking to the extent that the immediate takes over from the strategic in allocating resources. Many organisations enjoy fire fighting because that is what they are good at – stopping the fires being lit is more difficult yet more likely to improve the experience of those who engage with the justice system.
- Many of the problems identified in our work do not relate to what is being done (people are contacted, letters are sent etc...) but HOW it is being done. At a basic level are we treating people in the way in which we would like to be treated?

My challenge to organisations is do you know what success looks like from the perspective of the victim and how it relates to your operational reality? Do you have a plan to take you there, how you are progressing and how you measure progress?

Providing solutions to the problem from the perspective of the victim is difficult because it challenges the way in which business has been done in the past. It challenges the structural barriers to co-operation; it challenges the cultures and behaviours which can be focused on the needs of organisations rather than those of individuals. It also challenges the allocation of resources within organisations and the extent to which they are focused on the right areas to make a difference.

This in essence is what we mean when we talk about the need to move from a criminal justice system to a criminal justice service. A service which understands what victims and witnesses need when they come into contact with it and ensures that its people, processes, structures and behaviours are directed towards trying to meet those needs.

This means doing things in different ways. Our recent inspection highlighted a range of issues including:-

- The focus on victims and witnesses was too often left to the determination of individuals and thus to significant variations – there was a need for a greater emphasis on customer care and inter personal skills. A more consistent approach was required.
- There were issues around the allocation of lead responsibility and accountability for victims and witnesses between agencies; whether we like it or not the individual victim and witness sees the criminal justice system as a connected system and that raises expectations.
- Communication with victims and witnesses often lacked empathy and was impersonal and clinical in its approach. There was at times a lack of enthusiasm to communicate fully and openly.
- The single most unforgiving concern heard by Inspectors was in relation to delays - the length of time it took for a case to be heard in court. As our report published yesterday shows much work in this area remains to be done.

There is no easy fix. As the report shows, the justice organisations have worked hard to address many of the recommendations in previous reports. We saw many examples of excellent practice across the justice organisations and the feedback from victims and witnesses on this practice was broadly positive. Moreover, as we have seen many of the issues that impact on a victim's experience of the criminal justice system are outside the control of individual justice organisations.

Delivering a different experience for victims and witnesses means a relentless and continuous focus on improving outcomes and making a difference where it counts – at the point of contact with those who come into contact with the justice organisations. This means change at a number of levels:-

- Increase the speed with which cases progress through the justice system. I think the time is now right to starting thinking about statutory time limits and statutory case progression in order to focus the mind on reducing the amount of time it takes from summons through to disposal by a court. They need not be implemented immediately but a date should be set for implementation and we should start preparing for such;
- Development of a “one-stop-shop” for those going to court to give evidence to facilitate improved communication and the targeting of resources. We recommended the establishment of witnesses care units for those who have to go to court;
- Ensuring that the perspective of the victim and witnesses is heard within respective organisations. We have recommended the creation of “victims’ champions” within organisations who can bring a perspective to senior decision making;
- Provide help to those who have needs beyond the period when their engagement with the criminal justice process has ended. We recommend the further development of victim advocacy services - this is particularly important for those who have difficulty accessing criminal justice services or who need specialist assistance for reasons of vulnerability; and
- Finally, provide training and support to those who deal with victims and witnesses on an on-going basis to keep the issue alive and ensure greater consistency of service provision.

These recommendations will not address entirely the issues and difficulties raised. They are I believe an important step forward in improving performance.

Can we deliver the necessary improvements? The answer is of course yes. It is being done as we speak as victims and witnesses are treated in a supportive, professional and constructive way. We have good practice on which to build, good people to work with and the resources to make it happen.

Defining success – at least in part – from the needs of the victims will take us a step further.

Victims and witnesses and their needs will not go away – moving from a criminal justice system to a criminal justice service will provide an important litmus test for the success of devolution.