

Treatment of some victims and witnesses remains a concern

On 7th December 2011, CJI published a report into the care and treatment of victims and witnesses in the criminal justice system in Northern Ireland.

This report is the third inspection into the experience of victims and witnesses conducted by the CJI since 2005. Of the 37 recommendations made in the initial report only two remain outstanding.

Changing the ethos of the criminal justice system in Northern Ireland so that it becomes more service centred in how it engages with victims and witnesses would be a major step forward in reducing continuing levels of dissatisfaction.

While there have been improvements in the way the criminal justice system treats victims and witnesses, Criminal Justice Inspection Northern Ireland remains concerned about the significant minority who are dissatisfied. This is the thrust of the inspection report.

CJI's role is to provide independent scrutiny of the conditions for and treatment of, users of the criminal justice system, in particular victims and witnesses, children and young people, prisoners and detainees.

"Undoubtedly there have been improvements in the way the system interacts with and treats victims and witnesses," said Chief Inspector, Dr

Michael Maguire. "But there remains a significant number of people who feel dissatisfied given their experience.

"The Inspectors heard numerous accounts from victims and witnesses who spoke of 'delays' in the system, poor communication and updating on case progression, a lack of co-ordination between the agencies and a general lack of support as people progress through the justice system.

"The treatment of victims and witnesses is a complex and difficult area for justice organisations, but the time has come for us to create more of a criminal justice 'service' that focuses to a greater extent on all the stakeholders in a crime, addressing individual needs, as well as finding someone guilty or not-guilty."

The report urges justice organisations in Northern Ireland to make an extra effort to be responsive, engage with and deal with the issues raised by victims and their families as they undertake their work.

"At a strategic level there are six recommendations, amongst which, a need was identified for improved co-ordination across the justice agencies and 'victim's champions' within each justice organisation. The Report recommended the establishment of Witness Care Units (WCUs) like those already working in England and Wales," said Dr Maguire.

"We believe these units can help

achieve greater consistency and co-ordination among justice agencies while providing a single point of contact for victims and witnesses who are called to give evidence at court, helping to meet their needs in a more satisfactory way.

"In addition, there is a need for better clarity of responsibility in relation to who is accountable for meeting the needs of victims as they progress through the justice organisations. A common issue raised was the need for improved communication and updating on progress."

At an operational level the inspection also identified a need for improved consistency of service within the PSNI, improved communication by the PPS and better case management across the entire justice system to reduce the problems of avoidable delay.

"Improved services for victims and witnesses will not simply grow out of improvements in current approaches to service delivery and indeed may be counter to existing ways of doing business," said Dr Maguire. "Despite these concerns there were many positive developments since previous work was undertaken." ■



Prison Service must focus on results and not just the process of resettlement

On 17th October 2011, CJI published the findings of its inspection of the NIPS Prisoner Resettlement services. It found that while the process of helping offenders resettle has improved, positive outcomes for prisoners are less obvious.

The introduction of legislation - the Criminal Justice (Northern Ireland) Order 2008 - has made a real difference and the report noted structural and practical progress that the Prison Service had made in several areas:

- Additional staff, over half of whom were non-prison service employees, had been allocated to help prisoners resettle
- The regimes for women prisoners and life sentence prisoners had improved
- Greater numbers of prisoners were involved in resettlement planning and prison officers were interacting more supportively with them
- There were better arrangements with voluntary organisations to support prisoners preparing for release

- Delivery of drugs and alcohol services had become more consistent
- Greater effort was being invested in meeting the needs of short term and remand prisoners

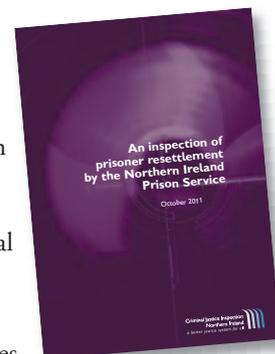
However, successful delivery of resettlement services continued to be hampered by inefficient working practices and a dominant security ethos within the Northern Ireland Prison Service.

The inspection made the significant point that the Prison Service cannot deliver resettlement alone. It has to work with whomever the courts send into custody, and it is very difficult to 'resettle' people whose lives were frequently in chaos before entering prison. The concept of encouraging and promoting prisoners' citizenship rather

than reducing it, and providing them with the rights, apart from their liberty, of free citizens, remains a political and societal challenge.

These are issues for politicians, other government agencies and wider society to address. In this respect there is considerable scope to reduce the Northern Ireland prison population by speeding up the process of justice for remand prisoners and by reducing the numbers of fine defaulters entering prison. These steps would impact positively on the resettlement prospects of the remaining population.

Inspectors made 22 recommendations for improvement and encouraged the NIPS to incorporate them in its Strategic Efficiency and Effectiveness (SEE) Programme that is designed to deliver major reform. ■



What is CJI?

Criminal Justice Inspection Northern Ireland (CJI) is an independent, statutory inspectorate established in 2003 under s.45 of the Justice (Northern Ireland) Act 2002. It is a Non-Departmental Public Body (NDPB) in the person of the Chief Inspector.

CJI is one-of-a-kind as it is the only unified inspectorate in the United Kingdom or Ireland that can look at all the agencies that make up the criminal justice system apart from the judiciary. Agencies which CJI can inspect include the police service, prison service, prosecution service, youth justice services and the courts.

This means CJI is in a unique position to identify issues that are common to some or all agencies and is in a strong position to promote inter-organisational learning and best practice across and between the various agencies.

Our Objectives

CJI contributes to the Department of Justice aims by improving public confidence in the criminal justice system. It will do so by assisting the criminal justice agencies in Northern Ireland to become more efficient and effective, and by ensuring that they are being fair and equitable in all their policies and operations.

The strategic objectives of CJI are to:

- promote efficiency and effectiveness through assessment and inspection to facilitate performance improvement;
- provide an independent assessment to Ministers and the wider community on the working of the criminal justice system;
- provide independent scrutiny of the conditions for and treatment of, users of the criminal justice system, in particular victims and witnesses, children and young people, prisoners and detainees; and
- work in partnership to deliver a high quality, independent and impartial inspection programme.

CJI raise money for Ward 23, Stroke Unit at Dundonald Hospital

CJI staff held a charity raffle on Thursday 24th November 2011 and were delighted to raise £562.00 for the Stroke Unit at Dundonald Hospital.

Approximately 550 people a year are admitted to the Stroke Unit at Dundonald Hospital. Most of these stroke survivors will need help with rehabilitation, this will range from minor assistance to serve care. The stroke unit relies on charity donations to pay for specialist equipment that assists with the rehabilitation of stroke survivors.

The money raised by CJI will go directly towards helping the Stroke Unit with purchasing specialist equipment that will assist survivors with their rehabilitation.

CJI would like to thank everyone who bought a raffle ticket and extend its thanks to the Temple Golf & Country Club and the McCullough family for donating the prizes for the Raffle.

Thank you!



Pictured from left: Tracy Moohan, Ward Sister of the Stroke unit at Dundonald Hospital receives cheque from Paula Mhic Artáin

Remember a **F.A.S.T** response to recognising the signs of a stroke is imperative and can affect the rehabilitation around improving the quality of life of stroke survivors.

FACE – can the person smile, has their mouth or eye dropped?

ARM – can the person raise one or both arms?

SPEECH – can the person speak clearly and understand what you say?

TIME – to call 999!



Improvements continue to be undermined by working practices

In October 2011, CJI published reports on Hydebank Wood Young Offenders Centre and Women's prison. The inspections were carried out in collaboration with HM Chief Inspector of Prisons, the Regulation and Quality Improvement Authority and The Education and Training Inspectorate, and were unannounced follow-ups to full inspections carried out in 2007.

The main finding was that great efforts had been made by staff and small improvements gained, but further progress cannot be achieved within the present regimes operating in both facilities. While improvements are welcome, they are no substitute for the substantial overhaul required in both centres.

There were too many lock-downs, there was insufficient work to keep prisoners occupied and association regularly started late and finished early. Punishments for disciplinary offences were too severe for young men and security measures were not sufficiently intelligence-led.

Both reports reiterated previous views that, in the case of

Ash House, the Northern Ireland Prison Service should create, 'a separate and dedicated women's facility, without which the needs of this vulnerable population are unlikely to be properly met;' and that Hydebank Wood YOC is 'quite simply an unsuitable place to hold children under the age of 18.'

These situations have not changed and our considered recommendations remain. Furthermore, we believe that the education services in both facilities need to be tailored to the particular needs of prisoners in both the Women's Prison and Hydebank Wood. This could best be achieved by collaboration with external education and training providers – such as further education and/or work-based learning suppliers.

While the efforts of the staff are to be commended and there have been some improvements in both facilities, the current working practices are no substitute for the overhaul required in both facilities.

In light of the Owers report and its blueprint for change in the prison service, CJI will continue to make establishment inspections to ensure the report's recommendations are carried out. ■

Enforcement in the Department of Environment

In November, CJI published a follow-up review of enforcement in the Department of Environment, together with the Planning Service, the Northern Ireland Environment Agency, and the Driver and Vehicle Agency.

The report stated that 30% of the recommendations were achieved while a further 46% were partially achieved and the other recommendations were either not achieved or rejected.

One of the notable enforcement successes has been the work of the Environmental Crime Unit in the Northern Ireland Environment Agency, which has specifically targeted the most serious waste offenders through a combination of criminal prosecutions and confiscation of assets proceedings. It is CJI's view that the Unit should be strengthened to take on responsibility for a broader range

of waste and other environmental crimes.

Inspectors noted the improvements made to enforcement within the Planning Service, particularly with regard to the development of its regional enforcement teams and the significant reduction in the backlog of enforcement cases. Austerity measures must not be used as an excuse to undermine the good work achieved to date.

The Driver and Vehicle Agency has reduced vehicle excise duty (road tax) and MOT evasion to levels more comparable to England and Wales.

The main concern relates to the enforcement of commercial vehicles, which has road safety implications for all road users.

Enforcement staff across each of the DOE agencies have demonstrated a strong commitment to protecting the environment and improving road safety. However, concern was expressed that their enforcement activities were not providing an effective deterrent, particularly in profit motivated crime.

The follow-up report also reiterated CJI's wish to see greater protection for enforcement within government departments, including more transparency in the implementation of enforcement policy and the decision-making process for prosecutions. ■



Inspector attends Council of Europe National Preventative Mechanism workshop in Ukraine



CJI is part of the UK's National Preventative Mechanism (NPM) for the prevention of torture and other cruel, inhumane or degrading treatment or punishment. The NPM aims to fulfil Article 3 of 'The Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT)'.

The OPCAT is an international human rights treaty designed to strengthen the protection of people deprived of their liberty. Article 3 requires State Parties to “*set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhumane or degrading treatment or punishment*”.

In October 2011 Rachel Lindsay from CJI, along with the UK NPM Co-ordinator from Her Majesty's Inspectorate of Prisons, represented the UK NPM at a roundtable discussion in Kiev, Ukraine. The roundtable was organised by the Council of Europe/European Commission as part of their work in developing peer-to-peer networks of NPMs across Europe and to encourage member states to develop an NPM operating model.

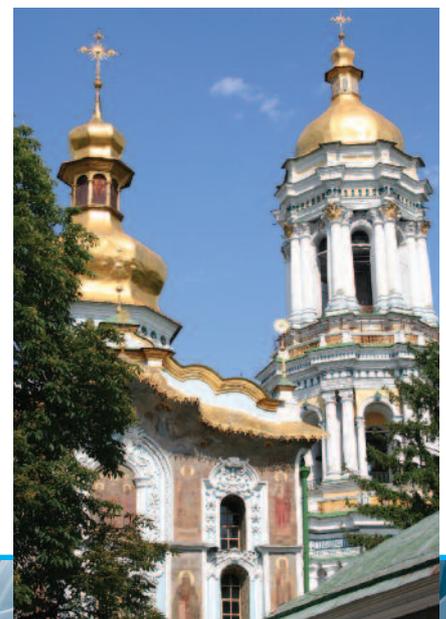
The event was hosted by The Office of the Ukrainian Parliament

Commissioner for Human Rights with the Ukrainian delegates including representatives from Government Departments/Ministries with a responsibility for areas of detention and members of Ukrainian Non-Voluntary Organisations (NGOs).

The roundtable was also attended by representatives from the NPMs of Estonia, France, Poland and Serbia, the Council of Europe, the United Nations Sub-Committee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the 'SPT'), the European Committee for the Prevention Of Torture (the 'CPT') and the Association for the Prevention of Torture (the 'APT'). A member of a monitoring body from the Russian Federation was also present due to the similarities in practice between Russia and the Ukraine.

The roundtable was an opportunity for the Ukrainian delegates to hear

about the international and national perspectives on establishing an NPM, to provide an update on the current status of NPM establishment and discuss issues facing the Ukraine in designation. It was also an opportunity for NGOs to highlight the key issues regarding detention and human rights. The Ukrainian Government has set up an interim monitoring body, the 'Commission on Prevention of Torture', under the President of Ukraine and the Council of Europe will continue to work with them to support the Ukraine in designating an appropriate NPM at the earliest opportunity. ■



Inspector attends Council of Europe workshop on domestic violence

In December 2010, CJI published its thematic inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland.

Rachel Lindsay led this inspection and in November 2011 Rachel was asked to participate in a workshop organised by the Council of Europe in Cappadocia, Turkey regarding domestic violence and abuse. The workshop aimed to 'support the Turkish inspection body responsible for evaluating the multidisciplinary approach to dealing with cases of domestic violence'.

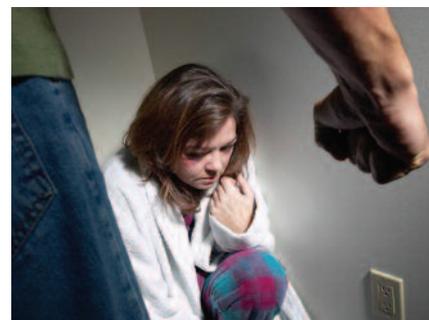
The Council of Europe 'seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals'. This workshop aimed therefore to support the Turkish authorities in developing a programme of inspection to evaluate how state parties deal with cases of domestic violence.

The workshop was attended by members of public authorities (e.g. the police, the Gendarmerie, Civic Governors and Civic Administrators), representatives of the legal profession and the Judiciary, representatives from the Ministry of Family and Social Policies and members of Non-Governmental Organisations, in addition to members of the Inspection Board who would be conducting the inspections.

Rachel was asked to share her experiences in undertaking the inspection in Northern Ireland by delivering presentations on:

- the multidisciplinary approach to domestic violence in Northern Ireland;
- the inspection process; and,
- the inspection findings and recommendations.

In addition, a District Commander from Rotterdam Police in the Netherlands was in attendance to talk



about the Dutch approach to policing domestic violence.

The workshop provided a fascinating insight into the work of another European country in tackling domestic violence and abuse. There were a number of similar issues facing the Turkish administration to those facing UK authorities in terms of human rights, culture and legislation support for victims and resources. The discussion sessions enabled the Turkish delegates to consider their approach to domestic violence and develop their inspection standards against which current practice would be evaluated. ■

Who does CJI inspect?

Under the Justice (Northern Ireland) Act 2002 CJI was originally given the power to inspect nine named organisations. Further additions were later made by Order and as a result of s.46 of the Justice and Security (Northern Ireland) Act 2007.

A full list of the organisations currently subject to inspection by CJI are shown below.

Key Criminal Justice organisations

- The Police Service of Northern Ireland (PSNI);
- The Public Prosecution Service for Northern Ireland (PPS);
- The Youth Justice Agency for Northern Ireland (YJA);
- The Northern Ireland Prison Service (NIPS);
- The Probation Board for Northern Ireland (PBNI);
- Forensic Science Northern Ireland (FSNI);
- The Police Ombudsman's Office for Northern Ireland (OPONI);
- The State Pathologist's Department for Northern Ireland (SPD);
- The Northern Ireland Courts and Tribunals Service (NICTS);
- The Parole Commissioners (formerly the Life Sentence Review Commissioners);
- The Legal Services Commission (LSC);

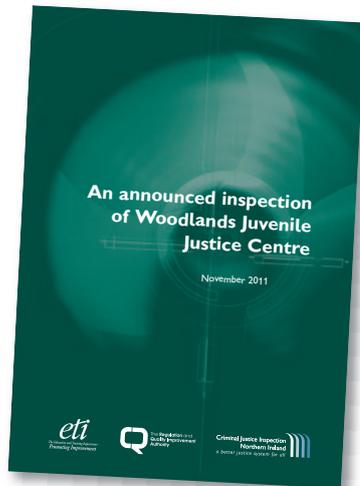
Other organisations inspected by CJI

- The Northern Ireland Social Security Agency;
- The Compensation Agency;
- Health and Social Services Boards and Trusts;
- The Northern Ireland Child Support Agency;
- The Department of Enterprise, Trade and Investment (DETI);
- The Department of the Environment (DoE);
- The Health and Safety Executive for Northern Ireland (HSENI);
- The Royal Mail Group (RMG);
- Belfast Harbour Commissioners;
- Larne Harbour Ltd;
- Belfast International Airport Ltd (BIA);
- The Northern Ireland Tourist Board (NITB).
- Community Restorative Justice schemes; and
- Probation and bail hostels (Approved Premises).

By law, CJI is not allowed to investigate individual cases but it can, when asked by the Minister for Justice, undertake specific pieces of work including investigations and reviews. ■

Report commends good work within Juvenile Justice Centre

CJI published an inspection report on Woodlands Juvenile Justice Centre (JJC) on 3rd November 2011. The inspection was carried out by a multidisciplinary team from CJI, the Regulation and Quality Improvement Authority and the Education and Training Inspectorate.



Inspectors commended the professional practice and continued improvements at the JJC. They concluded that it provides high levels of care and control to children who are sent into custody, and is fulfilling its legislative remit to 'Protect the public by accommodating children ordered to be detained therein in a safe, secure and caring environment; and work to reintegrate children into the community.'

They were impressed by prompt access to healthcare, individualised education packages, detailed case planning with close involvement of families, and very low rates of physical restraint compared to similar providers. The food was good, children could individualise their rooms, and high levels of personal hygiene were facilitated.

The JJC can offer around 25 hours of education each week per child, which is to be commended given the relatively short periods of time that children stay there.

While Woodlands cares for children, it is first and foremost a custodial centre. In this respect the buildings were well maintained and security was good. Feedback from partner agencies and community providers on the work of the centre was positive and it was recognised as a model of good practice.

The report makes 17 recommendations for improvement. The main recommendations involve other agencies besides the JJC: all 17-year old boys should be transferred from the Hydebank Wood YOC to Woodlands. Girls have not been held in a YOC since 2008, and while the process has begun for boys, it needs to be completed. Transfer of boys would make better use of the JJC resources and improve custodial care of children in Northern Ireland.

We also recommend reduction in the numbers of children sent to the JJC on foot of Police and Criminal Evidence proceedings, as well as speeding up the process of youth justice. ■

The Need for Change – Dame Owers' Report



Criminal Justice Inspection Northern Ireland (CJI) welcomed the Final Report by the Prison Review Team, chaired by Dame Anne Owers, which provides a blueprint for moving towards a 'safer society'.

Dr Michael Maguire, Chief Inspector of Criminal Justice in Northern Ireland said: "This is an honest and forward thinking assessment of the issues and challenges facing the Northern Ireland Prison Service. Dame Anne Owers and the Prison Review Team are to be congratulated.

"This report shows that what is required is transformation of the way in which the prison service works – people, working practices and prison regime.

"Furthermore the analysis is right that change management by stealth or incremental change is not possible. As our inspection reports have shown, there is a need to fix directly and up front those issues that are undermining the reform agenda in order to achieve real benefit.

"The purpose of reform is to make communities safer and the costs of failure are high for us all.

"As the Owers Report clearly states, we cannot continue with a prison system that is wasteful of money and fails to deliver a 'safer society'. The recommendations in this report represent a once-in-a-lifetime opportunity to develop a prison service that can play a leading role in making communities safer."

In Dame Owers' Report she recommended that there should be 'oversight of the change process, by a high-level Ministerial group including external involvement from a non executive director of the Prisons Board and the Chief Inspector of Criminal Justice, with regular reports to the Justice Committee. The CJINI should be given additional resources to carry out independent monitoring of outcomes against our recommendations'. ■

Chief Inspector addresses PSNI's 10th Anniversary Conference - Policing and the impact of devolution

Dr Michael Maguire was one of a number of speakers who addressed the 10th Anniversary Conference entitled 'Challenge and Change - A new conversation for Policing in Northern Ireland' which was held in the University of Ulster, Jordanstown on the 17th and 18th November 2011.

During his presentation *'Policing and the Impact of Devolution'*, Dr Maguire highlighted the issues which will shape policing as devolution settles down – joined up justice and getting accountability right.

Below is an excerpt from the presentation given.

We are at an important point in the development of the justice system and in the delivery of justice services to the people of Northern Ireland. Looking at the justice system today we are in a very different place from that described in the criminal justice review in 2000. What then is the agenda for policing moving forward?

The starting point is to look at some of the challenges facing the PSNI from an organisational perspective. Many of the issues facing police in Northern Ireland today relate to the quality of professional policing, including improving customer service and the ways in which the police interact with the local community, moving officers from the back office to the front line, and value for money more generally.

These are the kinds of operational challenges facing any police service. In Northern Ireland police face these challenges within the context of the threat which has been created by paramilitaries. This has an impact on culture, behaviours and resource allocation. There is a clear policing



Question and Answer session at the Policing Conference Change and Challenge.

agenda which has evolved over time and which is subject to the realities of life in Northern Ireland. As the last 10 years have shown change is a constant.

At the same time, it is a fundamental reality that the police service is inextricably linked to other aspects of the criminal justice system. A focus exclusively on operational policing issues ignores the wider impact of the police on criminal justice services. For example, the police have a significant role to play in how victims and witnesses experience the criminal justice system. In addition, clearing up warrants may look good for PSNI targets but what impact does it have on other parts of the criminal justice system?

Different organisations have different agendas – they also have competing ones that can work against the delivery of effective justice services.

We also have a cluttered accountability landscape. In my view, it is quality of oversight not quantity of oversight that is important. The failure to adequately address this question raises expectations on

accountability indeed runs the risks of lulling us into a false sense of security. It is not enough that we have the mechanisms of oversight!

Finally, there are those issues that will continue to haunt the agenda which are placed in the too difficult to deal with box, specifically, how we deal with the past. Importantly, as we have seen with our work on the Police Ombudsman if not dealt with adequately it has the capacity to damage overall confidence in policing. I understand that the “snapshots” of the past are a world away from modern day policing. The reality is that this issue will not go away. It is how we deal with the issue raised that is important.

My view is that we deal with the issue head on – there will be some questions we can answer and some that cannot be answered. Being up front and open about this is a starting point on defining a new way forward. The fractious nature of the past will require us as a society to consider how we deal with the issues it raises.

Dr Michael Maguire