



VULNERABLE OLDER PEOPLE

AN INSPECTION OF THE CRIMINAL
JUSTICE SYSTEM'S APPROACH TO
VULNERABLE OLDER PEOPLE IN
NORTHERN IRELAND

SEPTEMBER 2023



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September 2023

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LIST OF ABBREVIATIONS

CID	Criminal Investigation Department (in Police Service)
CJI	Criminal Justice Inspection Northern Ireland
COPNI	Commissioner for Older People in Northern Ireland
CPS	Crown Prosecution Service (in England and Wales)
DoJ	Department of Justice
HMCPSI	His Majesty's Crown Prosecution Service Inspectorate
HMICFRS	His Majesty's Inspectorate of Constabulary and Fire & Rescue Services
HSCT(s)	Health and Social Care Trust(s)
NHS	National Health Service
NICTS	Northern Ireland Courts and Tribunals Service
NIPB	Northern Ireland Policing Board
NPCC	National Police Chiefs' Council
PBNI	Probation Board for Northern Ireland
PCSPs	Policing and Community Safety Partnership(s)
PEEL	Police Efficiency, Effectiveness and Legitimacy (Inspections undertaken by HMICFRS)
Police Service	Police Service of Northern Ireland
PPS	Public Prosecution Service for Northern Ireland
UK	United Kingdom
UN	United Nations
WHO	World Health Organisation

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CHIEF INSPECTOR'S FOREWORD

There is no hierarchy of victims in the criminal justice system, but vulnerable older people face particular challenges when their age and health challenges are barriers to seeking justice and achieving outcomes.

We know Northern Ireland is a relatively safe place to live but we are an ageing community in the midst of an economic crisis, with increasing reports of criminal offences and significant delays in our criminal justice system. We know that feeling safe and being safe are not the same things and that sometimes home is not a safe place for an older vulnerable person.

Sometimes getting older with deteriorating health and cognitive ability means there is more of an urgency to assess and regularly review what is needed to support a victim and witness to give their best evidence and participate in a prosecution that is progressed with a sense of urgency.

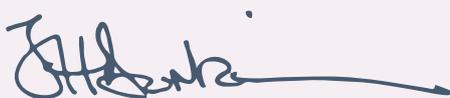
This report highlights some of the great work being done by the Police Service of Northern Ireland with partner organisations, on crime prevention and personal safety and innovations that recognise the impact of cognitive disorders. It also makes recommendations to the Police Service of Northern Ireland and the Public Prosecution

Service for Northern Ireland to improve how older vulnerable people are seen and heard and build trust and confidence in our criminal justice system.

This inspection was carried out at the same time as His Majesty's Inspectorate of Constabulary and Fire & Rescue Services were inspecting the Police Service. We value our opportunities to work collaboratively with them and the benefits of more efficient use of Inspector resources.

I am grateful to Rachel Lindsay, Lead Inspector, supported by Inspector Dr Claire Feehan, who carried out this inspection.

I am also thankful to all the inspected criminal justice organisations, the Office of the Commissioner for Older People, Victim Support Northern Ireland and all the other community and voluntary sector organisations who supported this inspection. I am particularly grateful to those victims and witnesses who shared their experiences.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

September 2023

**Criminal Justice Inspection
Northern Ireland**

a better justice system for all



EXECUTIVE SUMMARY

AGEING AND CRIME

Across the world people are living longer. Although most discussions refer to people being aged over 60 or 65 years as being an 'older person', there is no agreed definition in statute and the vulnerability of the individual will very much be determined by their physical and cognitive health and life circumstances, including their need for care and support. Ageism and vulnerability to differential treatment has been raised impacting on the human rights of older people. The Police Service of Northern Ireland included reference to age in their definition of vulnerability as '*a term used to describe a person who is in need of special care, support or protection because of age, disability, or risk of abuse or neglect.*'¹

In Northern Ireland older people are less likely to be victims of crime compared to other age groups. However, if they do become victims, they are more

likely to experience crimes such as criminal damage, violence without injury, harassment and thefts other than burglary or vehicle theft. In common with all victims, older victims have seen an increase in crimes of violence against the person, with reductions in crimes on property, however the change has been greater for older victims. Domestic abuse crimes have shown the highest percentage increase among victims aged 60 years and above. Older people were more likely to report fear of crime, particularly in relation to burglary and car crime.

This inspection by Criminal Justice Inspection Northern Ireland (CJI) reviewed the work of the criminal justice system in respect of prevention, investigation and prosecution of crimes against vulnerable older people. It included consultation with stakeholders, older people and victims of crime and criminal justice organisations.

STRATEGY, GOVERNANCE AND PREVENTION

The Commissioner for Older People in Northern Ireland had priorities which included tackling financial abuse and scams and protecting older victims of crime. Governmental strategies made reference to crimes against older people and healthy ageing. The legislative gap in relation to adult safeguarding, previously highlighted by the Commissioner for Older People in Northern Ireland and CJI, continued to exist.

The Police Service of Northern Ireland had defined older people as being aged 60 years and over and had a focus on vulnerability, including in relation to age. The Police Service of Northern Ireland was the only criminal justice organisation to have a specific strategy for older people and its *Older People and Crime Strategy* was due to be updated, following a national review of the issue.

1 *Police Service of Northern Ireland, SP1816: Service Policy - Vulnerability, March 2022* available at <https://www.psn.police.uk/sites/default/files/2022-09/Vulnerability%20Policy%202022.pdf>.

Oversight and governance took place at a number of levels within the Police Service of Northern Ireland and a number of analytical reports had been produced.

The Police Service of Northern Ireland was involved in several preventative campaigns and activities aimed at reducing crimes against older people. A senior Police Officer chaired the *ScamwiseNI* Partnership and a number of initiatives had been undertaken in conjunction with the Department of Justice and Policing and Community Safety Partnerships as well as the Commissioner for Older People in Northern Ireland. Steps should be taken to further promote awareness of the *QuickCheck* and Banking Protocol schemes. Inspectors were told of the valuable service provided by Police Crime Prevention Officers, in relation

to designing out crime,² home safety advice and follow-up visits to older people who had been victims of crime. Other initiatives such as the *Herbert Protocol* for missing people and *Message in a Bottle* for those on medication were also reported on positively.

The Police Service of Northern Ireland Public Protection Branch worked in partnership with the Health and Social Care Trusts on adult safeguarding. The Police also worked with health and social care partners, Policing and Community Safety Partnerships, housing and other agencies to address the needs of vulnerable adults and children through the Multi-Agency Support Hubs. These had produced positive outcomes in relation to reducing contact with police and supporting those with vulnerabilities.

POLICE FIRST RESPONSE, INVESTIGATION AND CASE BUILDING

There was a focus on vulnerability within the Police Service of Northern Ireland and this was evident in policies, training, oversight and supervision and the approach to call handling. Older people were a priority group within this with a focus on those aged over 60, particularly those aged over 80 years, who were victims of crime. Allocation of burglary cases to the Criminal Investigation Department was evidence of this commitment.

Stakeholders spoke of the many barriers to reporting faced by older people who were a victim of crime and, on occasion, it was noted that Police Officers did not appear to recognise or understand the needs of older victims, particularly where

they were experiencing an impairment such as dementia. Comments in relation to the requirement for improved needs assessment echoed those expressed in previous CJI inspections. It was evident there was more to be done to identify the needs of victims earlier in the criminal justice process. This is particularly relevant in the early identification of the need to use visually recorded evidence to take the victim's statement. The Police Service of Northern Ireland should work with colleagues in the Public Prosecution Service for Northern Ireland to take steps to better enable vulnerable older people to give their best evidence and to accelerate cases through the criminal justice system where appropriate.

² Designing Out Crime Officers work with architects, developers and local planners to build-in proven crime prevention techniques at the planning stage to new buildings and major refurbishments.

PROSECUTION DECISION MAKING AND CASE BUILDING

Prosecution policies did not make specific reference to offences against or the specific vulnerabilities of older people, although the new draft *Policy for Prosecuting Cases of Domestic Abuse* did include reference to considerations for particular groups which included older people. It is recommended that the Public Prosecution Service for Northern Ireland should continue to work with the Commissioner for Older People in Northern Ireland to consider how the potential vulnerabilities and needs of older people could be better reflected in its policies.

Given the evidence suggesting that the likelihood of an older complainant disengaging in a domestic abuse case was slightly higher than for other age groups, quality assurance processes should incorporate age as a criteria.

There was evidence that victim needs assessments should be improved in cases involving vulnerable older people. This included issues where special measures applications were missed until later in the case, which could cause difficulties for the prosecution of the case, anxiety for the older person and an increased likelihood of their withdrawal from the prosecution.

TRIAL AND COURT PROCESS

Stakeholders highlighted the unsuitability of some parts of the Court estate for vulnerable older people. Older buildings were often not designed to be accessible for those with mobility and health issues and there were limits to the extent to which they could be modernised.

Inspectors were told that vulnerable older people, who were victims, often found sentencing confusing but were open to restorative approaches where possible.

Older victims have had a lower outcome rate³ relative to victims aged 18-59 years of age since the current system of crime recording began in 2007-08, however the gap in outcome rates had been reducing.

Sentencing arrangements for crimes involving older people and legislation to provide for aggravating factors had been considered by the Department of Justice in recent years and this was an ongoing piece of work.

³ Crime outcomes show the action taken in relation to each crime recorded.

THE EXPERIENCES OF VICTIMS AND THEIR SUPPORTERS

The issues highlighted to Inspectors about older vulnerable people as victims of crime were common themes which have been found in other inspections conducted by CJI, including the need for improved needs assessments and victim care, better communication throughout the criminal justice process, a lack of understanding about the processes and language used in the system and delays in the criminal justice process. Although common to all victims, stakeholders raised specific concerns about the barriers for older people to reporting a crime or engaging in the criminal justice system, particularly where family members were involved. The intersections of their own vulnerabilities in relation to physical or cognitive health or life circumstances, alongside the challenges of navigating a complex, lengthy system where their story has to be repeated many times, was also identified as an area of concern.

Support organisations were key in providing advocacy and support, but specialist services were sometimes overlooked by agencies. There is a need to treat vulnerable older people according to their individual needs and circumstances rather than to make assumptions or treat them in a paternalistic way and to recognise the potential impact that a crime can have if not dealt with in a supportive and effective manner.

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RECOMMENDATIONS

STRATEGIC RECOMMENDATION

STRATEGIC RECOMMENDATION 1

Inspectors recommend that within 12 months of the publication of this report, the Police Service of Northern Ireland, in conjunction with the Public Prosecution Service for Northern Ireland, should develop and implement an action plan to better enable vulnerable older victims of crime to give their best evidence and enable the effective progression and acceleration of cases, where appropriate.

(paragraph 3.29)

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

Once the National Police Chiefs' Council has published its strategy for the police response to older people, the Police Service of Northern Ireland should review its Older People and Crime Strategy and make revisions as appropriate.

(paragraph 2.19)

OPERATIONAL RECOMMENDATION 2

Within six months of the publication of this report the Police Service of Northern Ireland should identify opportunities to further promote awareness, through a range of methods, of the *QuickCheck* and Banking Protocol schemes, including through the Police Service of Northern Ireland and nirect websites, and develop a communications plan to deliver this.

(paragraph 2.32)

OPERATIONAL RECOMMENDATION 3

As policies are due for review, the Public Prosecution Service for Northern Ireland should continue to work with the Commissioner for Older People in Northern Ireland to better reflect the needs of older people in its policies, particularly the Victim and Witness Policy, and associated internal guidance for Prosecutors. This should include defining what is meant by an older person.

(paragraph 4.2)

OPERATIONAL RECOMMENDATION 4

Within three months of the publication of this report, the Public Prosecution Service for Northern Ireland should include age as a criteria in its quality assurance processes for cases involving domestic abuse or a domestically motivated crime. The outcomes of this should be monitored to identify and address any areas for improvement.

(paragraph 4.5)

LIST OF ABBREVIATIONS

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CHAPTER 1: INTRODUCTION

WHAT DO WE MEAN BY VULNERABLE OLDER PEOPLE?

- 1.1 Across the world people are living longer. The World Health Organisation (WHO) reports that by 2030 one in six people will be aged 60 or older⁴, while the Office for National Statistics estimates that 24% of people living in the United Kingdom (UK) will be aged 65 or older by 2042.⁵ Despite this, at the time of this inspection there was no agreed definition of what age limit constituted an older person or older people. The United Nations (UN) defined an older person as a person who is over 60 years of age.⁶ Age UK also referred to the over-60s⁷, while Age NI referred to those over 50 years of age.⁸ National Health Service (NHS) England noted that *'Generally, someone over the age of 65 might be considered an older person. However, it is not easy to apply a strict definition because people can biologically age at different rates so, for example, someone aged 75 may be healthier than someone aged 60. Instead of simply age, 'frailty'⁹ has a bigger impact on their likelihood to require care and support.'*¹⁰
- 1.2 The role of the Commissioner for Older People in Northern Ireland ('the Commissioner') was established in Northern Ireland in 2011 by virtue of the Commissioner for Older People Act (Northern Ireland) 2011. Within this Act an older person was defined as a person aged 60 or over, however in certain circumstances the Commissioner may direct that an older person means a person aged 50 or over.¹¹

4 WHO, *Ageing and health*, October 2022 available at

<https://www.who.int/news-room/fact-sheets/detail/ageing-and-health>.

5 Office for National Statistics, *How would you support our aging population?* June 2019 available at

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/ageing/articles/howwouldyousupportouragingpopulation/2019-06-24>.

6 UN, *Older Persons*, December 2022 available at <https://emergency.unhcr.org/entry/43935/older-persons>

7 Age UK, *Who we are* available at <https://www.ageuk.org.uk/about-us/people/#:~:text=Age%20UK%20is%20the%20country%27s,but%20it%20can%20be%20challenging>.

8 Age NI, *About Age NI*, December 2022 available at <https://www.ageuk.org.uk/northern-ireland/about-us/about-age-ni/>.

9 Frailty is where someone is less able to cope and recover from accidents, physical illness or other stressful events.

10 NHS England, *Improving care for older people* available at

<https://www.england.nhs.uk/ourwork/clinical-policy/older-people/improving-care-for-older-people/>.

11 Legislation.gov.uk, *Commissioner for Older People Act (Northern Ireland) 2011* available at

<https://www.legislation.gov.uk/niu/2011/1>.

1.3 The focus of this inspection was on older people aged 60 years and over. In Northern Ireland this accounts for 23% of the population.¹² Specifically, however, it considered how the criminal justice organisations treated those who are older and classed as vulnerable by one or more circumstances, for example previous victims of crime, disability or being significantly supported in their daily life by family, friends or statutory organisations. This was in line with the NHS England explanation regarding 'frailty' being more important than purely age. This dual focus is a recognition that age alone does not imply vulnerability, while also acknowledging that older people are more likely to have *'a higher rate of physical and mental impairment and disability; a greater likelihood of living alone; a greater likelihood of the absence of support networks; and higher rates of feelings of insecurity.'*¹³ The Council of Europe noted that *'Despite the growing trend towards strengthening the protection of older persons' human rights in recent years, this vulnerable group continues to suffer from widespread negative stereotypes which lead to age discrimination and social isolation and exclusion.'*¹⁴

INTERNATIONAL, UK AND REPUBLIC OF IRELAND FOCUS ON VULNERABLE OLDER PEOPLE AS VICTIMS OF CRIME

1.4 The UN developed a dedicated set of principles for older persons, as adopted by the General Assembly resolution 46/91, which included the ability of older persons to *'live in environments that are safe'* and to *'live in dignity and security and be free of exploitation and physical or mental abuse.'*¹⁵ The WHO published *'Tackling abuse of older people'*¹⁶ in 2022 as part of the UN Decade of Healthy Ageing 2021-2030. The WHO noted that *'Abuse of older people can have serious consequences, including premature mortality, physical injuries, depression, cognitive decline, poverty and placements in long-term care institutions. Yet, despite its extent and severity, abuse of older people remains a low global priority'*.

1.5 A 2021 report on *Ageism and Age Discrimination* by the UN Independent Expert on the enjoyment of all human rights by older persons¹⁷ examined and raised awareness of the prevalence of ageism and age discrimination. In relation to violence and abuse, the Expert noted that *'Experiences of violence, abuse and neglect can be aggravated on the basis of age, since older persons are less likely to be taken seriously by law enforcement bodies.'*

12 NISRA, *Census 2021 main statistics demography tables – age and sex, MS-A02 Age - five year age bands – all usual residents, September 2022* available at <https://www.nisra.gov.uk/system/files/statistics/census-2021-ms-a02.xlsx>.

13 COPNI, *Crime and Justice: The Experience of Older People in Northern Ireland, May 2019* available at <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>.

14 Council of Europe, *Human rights of older persons and their comprehensive care, Parliamentary Assembly, Doc 14230, May 2017* available at <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnNvYm90LmNlbnRlZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVC1YTUwYUERGlnhzbA==&xsltparams=ZmlsZWlkPTIzNTM4>.

15 UN, *United Nations Principles for Older Persons, December 1991* available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-principles-older-persons>.

16 WHO, *Tackling abuse of older people, June 2022* available at <https://www.who.int/publications/i/item/9789240052550>.

17 UN, *A/HRC/48/53: Report on ageism and age discrimination, August 2021* available at <https://www.ohchr.org/en/documents/thematic-reports/ahrc4853-report-ageism-and-age-discrimination>.

There is also evidence that social workers are less likely to label a case as abuse and offer help if the victim is older.¹⁸ As a result, a great majority of violations and abuses involving older persons are tolerated or suppressed. The lack of awareness of age as a factor that might incite violence, abuse and discrimination contributes to this invisibility and lack of protection of older victims.’ It also concluded ‘A human rights-based approach to ageing recognizes that age is socially constructed. It encompasses diversity, strives for inclusion, and values and supports the genuine participation of older persons as equal partners. Furthermore, it recognizes that the exercise of choice is possible only when opportunities are expanded, and when individuals have adequate support to make decisions and exercise their rights. States must embed the human rights-based approach to ageing in all their policies, including those relating to pension and social security systems. Moreover, States must develop and carry out knowledge- and capacity-building programmes, including training within public authorities, the private sector and the informal economy to ensure equality for persons of all ages.’ These comments are relevant to the organisations of the criminal justice system in relation to older victims of crime.

- 1.6 In 2008, Wales became the first part of the UK to establish a dedicated Older People’s Commissioner. This was followed by the introduction of the Commissioner for Older People in Northern Ireland (COPNI) in 2011. These roles have provided an independent champion for older people and an opportunity to focus on priority areas, including ‘*stopping the abuse of older people*¹⁹ and ensuring that ‘*older people are better protected from all forms of crime, abuse and neglect.*²⁰ Such a role was not operational in England, Scotland or the Republic of Ireland at the time of this inspection, although Third Sector organisations have called for its introduction.
- 1.7 There was no statutory definition of a crime against an older person, nor any specific Government strategy relating to older people as victims of crime. With the exception of the Crown Prosecution Service (CPS) in England and Wales, there were no specific policies or guidance procedures in place across the criminal justice system which dealt with older people as victims of crime. Rather, criminal justice agencies followed guidance on adult safeguarding when dealing with an older person who was also identified as having a vulnerability.
- 1.8 In 2019 the CPS published policy and guidance on the prosecution of crimes against older people. The CPS defined a crime against an older person as ‘*Where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim’s vulnerability through*

18 Yechezkel, R. and Ayalon. L., *Social workers’ attitudes towards intimate partner abuse in younger vs. older women*, *Journal of Family Violence*, No. 28, May 2013 available at https://www.researchgate.net/publication/257588185_Social_Workers%27_Attitudes_towards_Intimate_Partner_Abuse_in_Younger_vs_Older_Women.

19 *Older People’s Commissioner for Wales, Stopping the Abuse of Older People* available at <https://olderpeople.wales/commissioners-priorities/stopping-the-abuse-of-older-people/>.

20 COPNI, *Priorities for action* available at <https://www.copni.org/about-us/priorities-for-action>.

age or presumed vulnerability through age.²¹ This 'presumed vulnerability' links to the issue of ageism discussed by the UN and recognises that the legal system can create vulnerability through perceptions or presumptions about older people. When dealing with cases involving older people, the CPS guidance noted that:

- crimes against older people may be underpinned by ageism or prejudice against older people;
- the stereotype-based belief that older people as a group are somehow inherently vulnerable, weak, easy targets, 'out of touch' and susceptible to scams or more likely to have accumulated savings is an attitude that motivates some crimes against older people;
- older people with dementia or age-related conditions may experience fluctuating capacity. This means that their capacity to understand information and make decisions may change over the course of a short period of time, and it might also fluctuate in relation to different types of decisions; and
- we should not make assumptions about the reliability, credibility or competence of a victim or witness to give evidence based on their age or age-related vulnerability.²²

THE LOCAL CONTEXT

1.9 In May 2019 the COPNI published a report entitled 'Crime and Justice: The Experience of Older People in Northern Ireland'.²³ This noted 'Statistically, in Northern Ireland, older people are less likely to be victims of crime. However, in cases of burglary, criminal damage and theft, older people are just as likely to report being victims of crime as other age groups. Being a victim of crime can exacerbate feelings of emotional, psychological, physical harm and financial loss for older people and so the impact of criminal activity has particular and more severe consequences for them.' The report noted issues for older people as victims of crime in relation to special measures, Court facilities, avoidable delays, the engagement of older people in the case (hearing their voice) and poorer outcome rates for crimes against older people.

1.10 In April 2023, the COPNI published a follow-up report entitled 'A Different Crime: Offending Against Older People'²⁴ which draws upon the personal experiences of crime against older people in Northern Ireland. This report noted that 'Older victims are frequently targeted because of an offender's perception of weakness, and an offender's belief that there will be fewer legal repercussions.'

21 CPS, *Older People: Prosecuting Crimes Against*, April 2020 available at <https://www.cps.gov.uk/legal-guidance/older-people-prosecuting-crimes-against>.
 22 CPS, *Policy guidance on the prosecution of crimes against older people*, July 2019 available at <https://www.cps.gov.uk/publication/policy-guidance-prosecution-crimes-against-older-people-0>.
 23 COPNI, *Crime and Justice: The Experience of Older People in Northern Ireland*, May 2019 available at <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>.
 24 COPNI, *A Different Crime: Offending Against Older People*, April 2023 available at <https://www.copni.org/media/1899/a-different-crime-2023-crime-report.pdf>.

The Commissioner also reported that a lack of sufficient information, transparency and engagement with stakeholders in Northern Ireland was negatively impacting on the opportunity to develop effective public policy and that the *'desire not to characterize all older people as 'at risk' or to increase fear among this demographic'* is acting as a barrier to open discussion.

- 1.11 In 2022, Hourglass, the UK-wide charity dedicated to ending the harm, abuse and exploitation of older people, published the first Northern Ireland Safer Ageing Index.²⁵ Hourglass defined a safer ageing index as *'An index to assess the level of policy, public sector and movements within the Assembly, and other actions towards achieving safer ageing for all older people in Northern Ireland.'* The index was devised from a range of measures including population data alongside measures of health, economics, crime and isolation. Each council area was scored and ranked based on these measures, with Mid Ulster identified as the safest place to grow old in Northern Ireland, while Fermanagh and Omagh was ranked as the safest in terms of crime.

THE PREVALENCE OF CRIMES AGAINST OLDER PEOPLE

- 1.12 There is a global tendency to exclude or reduce the positioning of older people from within datasets.²⁶ This was evident in police recorded crime statistics across the UK and the Republic of Ireland. The Police Service of Northern Ireland (the Police Service) were therefore unique in routinely providing crime data as disaggregated by the age of the victim. Data on recorded crimes, outcomes rates and domestic abuse crimes, disaggregated by age were released during the year. The most recently published data available are outlined in this report but timescales vary, depending on the availability of published statistics.
- 1.13 In Northern Ireland, the likelihood of an older person becoming a victim of crime was lower than other age groups. In 2022-23 there was an average of 59 recorded crimes (excluding fraud²⁷) per 1,000 of the population. This crime rate declined by age, from a high of 76 crimes per 1,000 for the 25-29 years age group, to 25 crimes per 1,000 for the 60-64 years age group and a low of 14 crimes per 1,000 for the 65 years and above age group.²⁸ This trend has been evident since the time series began in 2007-08.

25 Hourglass, Safer Ageing Index, December 2022 available at <https://wearehourglass.org/sites/default/files/inline-files/Northern%20Ireland%20Safer%20Ageing%20Index%20Dec.%202022.pdf>.

26 Hourglass, Safer Ageing Index, December 2022 available at <https://hourglass-cymru.org.uk/safer-ageing-index-northern-ireland>.

27 Police recorded crimes of fraud are collated by Action Fraud and provided to the Police Service of Northern Ireland on a monthly basis but they are not disaggregated by age.

28 Police Service of Northern Ireland, Police recorded crime in Northern Ireland: Update to 31 March 2023, May 2023 available at <https://www.psnl.police.uk/system/files/2023-05/1401700191/Police%20Recorded%20Crime%20Bulletin%20Period%20Ending%2031st%20March%202023.pdf>.

- 1.14 In 2022-23 the crime profile experienced by victims aged 60-64 years was dominated by criminal damage, accounting for 24% of all crimes against this age group, violence without injury at 22% and harassment at 14%. The profile for victims aged 65 years and above was similar, including criminal damage at 25%, other theft offences at 18% and violence without injury at 17%.
- 1.15 Relative to the overall crime profile for Northern Ireland in 2022-23, crimes on property accounted for a higher proportion of crimes experienced by those aged 60-64 years and 65 years and above, at 50% and 57% respectively, relative to all ages at 32%. Conversely, crimes of violence against the person accounted for a lower proportion of crimes experienced by those aged 60-64 years and 65 years and above, at 34% and 27% respectively, compared to 42% for all ages. This data is shown in full in Appendix 1.
- 1.16 However, the crime profile of older victims had changed considerably since 2007-08. The proportion of crimes of violence against the person on victims aged 60-64 years had increased from 11% in 2007-08 to 33% in 2022-23, an increase of 22 percentage points. For victims aged 65 years and above this change was 21 percentage points, increasing from 6% to 27%. The proportion of crimes on property had declined from 85% to 49% for victims aged 60-64 years and from 90% to 56% for those aged 65 years and above. This was a reduction of 36 and 34 percentage points respectively. The nature of these changes was also evident in the overall Northern Ireland crime profile; however the size of the change had been greater for older victims.

Figure 1: Percentage point change in the proportion of crimes of violence against the person and crime on property experienced by 60-64 year olds, victims aged 65 years and above and all ages, Northern Ireland 2007-08 to 2022-23



- 1.17 The number of domestic abuse crimes increased for all age groups in Northern Ireland between 2007-08 and 2021-22.²⁹ However, victims aged 60 years and above had experienced the highest percentage increase of domestic abuse crimes, increasing from 251 crimes in 2007-08 to 1,373 crimes in 2021-22, a 447% increase in 13 years. This compared to the 216% increase in the number of domestic abuse crimes perpetrated against victims aged 0-19 years and the 141% increase for victims aged 20-59 years.
- 1.18 In 2021-22, 7% of all crimes of domestic abuse were perpetrated against victims aged 60 years or over. This had increased from 3% of all domestic abuse crimes in 2007-08. The Police Service Statistics Branch provided CJI with statistics, for the purposes of this report (as directly comparable data is not publicly available), regarding domestic homicides where the victim was aged 60 years or above in Northern Ireland compared to England and Wales.³⁰ In Northern Ireland, in the three years from 2018-19 to 2020-21, older victims (aged 60 years and above) accounted for 20% of adult domestic abuse homicide victims (all victims aged 16 years and above), compared to 30% in England and Wales. . In the same period in all homicide cases where the victim was aged over 60 years the homicide occurred in a domestic abuse context in 40% of cases in Northern Ireland compared to 55% of cases in England and Wales. These figures are illustrated in Chart 1 and Chart 2.

Chart 1: Domestic abuse homicide victims aged 60 years and above as a % of domestic abuse homicide victims aged over 16 years for the three-year financial period 2018-19 to 2020-21



29 Police Service of Northern Ireland, *Domestic abuse Annual Trends 2004-05 to 2021-22*, Table 3.2 Domestic abuse crimes recorded by age of victim, 2004-05 to 2021-22, December 2022 available at <https://www.psnipolice.uk/about-us/our-publications-and-reports/official-statistics/domestic-abuse-statistics>.

30 Statistics were provided for the purposes of this report using Police Service official statistics and figures from England and Wales sourced from the four datasets ending March 2019 to year ending March 2022 available at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseprevalenceandvictimcharacteristicsappendixables>. Figures relate to domestic homicides of victims aged 16 and above for rolling three financial year periods. Figures exclude homicides in Northern Ireland where no sanction outcome has since been applied and exclude homicides in England and Wales with no suspects.

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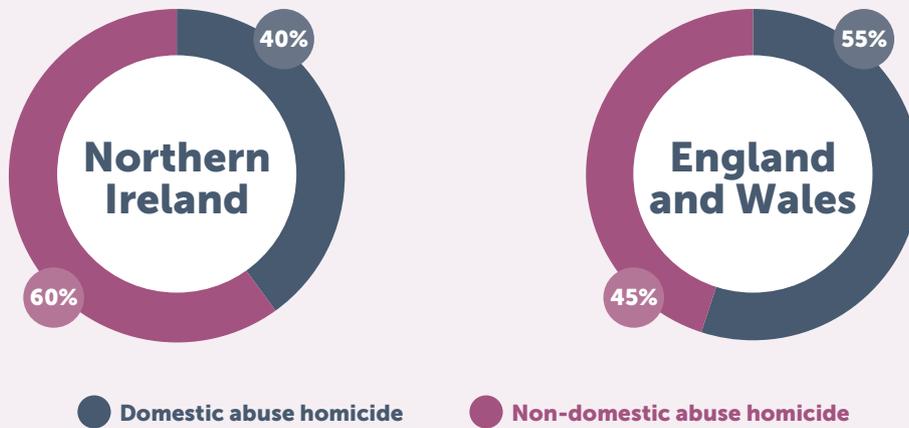
CHAPTER 4: PPS DECISION MAKING AND CASE BUILDING

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Chart 2: Domestic abuse homicide victims aged 60 years and above as a % of all homicide victims aged 60 years and above



FEAR OF CRIME AND CONFIDENCE IN THE POLICE

- 1.19 The Department of Justice (DoJ) undertook an annual Safe Community Telephone Survey. The most recent results from the 2020-21 survey³¹ indicated that in Northern Ireland adults aged 60 years and above were more likely to report the effect of the fear of crime on quality of life as moderate or great, at 26% and 5% respectively. This increased to 30% and 7% for adults aged 75+ and compared to 23% and 4% for all adults. Adults aged 60 years and above were more likely to report high levels of worry in relation to burglary (11%) and car crime (7%) and more likely to report very high levels of fear about walking alone after dark (8%). However, over 60s were just as likely as the survey sample to report high levels of fear of violent crime (8%), overall crime (5%) and feeling very unsafe when alone in their home at night (1%).
- 1.20 A majority of adults aged 60 years and above reported that the police do a very or fairly good job in Northern Ireland as a whole, at 81%, alongside 78% who agreed or strongly agreed that they have confidence in the local police. This compared to 75% of all adults. However, those aged over 60 years were less likely to state that the police have a visible presence in their area, at 35% compared to 39% of all adults. Views on whether the police can be relied on to be there when needed were similar, at 69% for those aged over 60 years, compared to 70% of all adults.

31 DoJ, Findings from the 2020-21 Northern Ireland Safe Community Telephone Survey, March 2022 available at <https://www.justice-ni.gov.uk/publications/findings-202021-northern-ireland-safe-community-telephone-survey>.

INSPECTIONS OF THE CRIMINAL JUSTICE SYSTEM RESPONSE TO VULNERABLE OLDER PEOPLE

- 1.21 In 2018, His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and His Majesty’s Crown Prosecution Service Inspectorate (HMCPISI) conducted a joint inspection across England and Wales of how the police and the CPS respond to crimes against older people. In 2019 the inspection report entitled *‘The poor relation: The police and CPS response to crimes against older people’* was published.³² This inspection found that *‘the police and the Crown Prosecution Service (CPS) need to prepare for the growing challenges of helping and keeping safe an ageing population.’* It was reported that the police had only a ‘superficial understanding’ of the nature and extent of crimes against older people, which often resulted in a poorer service to older victims. It noted that older people accounted for 18% of the population, but over eight out of 10 victims of doorstep scams were elderly, and they also comprised a quarter of domestic homicide victims. Despite this, the two Inspectorates found that the police and the CPS lacked any joint cohesive and focused strategy to deal with older victims of crime.
- 1.22 HMICFRS undertakes regular police efficiency, effectiveness and legitimacy (PEEL) inspections of the Police Service. While not specifically related to older people, the PEEL inspections include an assessment of how effective the service is at protecting vulnerable people more generally. In 2016 HMICFRS assessed that the Police Service required improvement in their effectiveness at protecting from harm those who are vulnerable.³³ In 2018 this rating had improved to ‘good’.³⁴ Several areas of improvement were noted including the requirement for the introduction of a standardised referral form for vulnerable people to ensure greater consistency in the safeguarding support provided.
- 1.23 This was CJI’s first inspection of the criminal justice system’s approach to vulnerable older people in Northern Ireland. CJI had conducted previous thematic reviews with a focus on specific areas of vulnerability and it was intended that this inspection would complement these. In 2018 and 2019 respectively CJI published inspections of the handling of cases of sexual violence and abuse and domestic violence and abuse, with follow-up reviews published in 2021. CJI also previously undertook inspections in the areas of Adult Safeguarding (published 2015), Child Sexual Exploitation (June 2020) and the Care and Treatment of Victims and Witnesses (July 2020).

32 HMICFRS and HMCPISI, *The poor relation: The police and CPS response to crimes against older people*, July 2019 available at <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/crimes-against-older-people.pdf>

33 HMIC, PEEL: *Police effectiveness (vulnerability) An inspection of the Police Service of Northern Ireland 1-5 February 2016, August 2016* available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF>.

34 HMICFRS, PEEL: *Police efficiency and effectiveness 2018 – Police Service of Northern Ireland, November 2022* available at <https://www.justiceinspectors.gov.uk/hmicfrs/publication-html/peel-police-efficiency-and-effectiveness-2018-police-service-of-northern-ireland/>.

CJI 2022-23 INSPECTION

- 1.24 This inspection aimed to examine the approach of the criminal justice system in Northern Ireland to preventing, responding to, investigating and prosecuting offences against vulnerable older people. The full methodology for this inspection is contained in Appendix 2 and the Terms of Reference for the inspection in Appendix 3.
- 1.25 The inspection fieldwork consisted of interviews with stakeholders from community and voluntary organisations who represented, supported or provided services to victims and to older people more generally, these included Victim Support NI, Age NI, Hourglass Northern Ireland, the Alzheimer’s Society NI, Dementia NI as well as with the Commissioner Designate for Victims of Crime and the COPNI. Meetings with representatives of the criminal justice organisations were also conducted including from the DoJ, the Police Service, the Public Prosecution Service for Northern Ireland (PPS), the Probation Board for Northern Ireland (PBNI) and the Northern Ireland Courts and Tribunals Service (NICTS). Inspectors also met with a number of people who had become the victim of crime later in life and who had personal experience of the criminal justice system.
- 1.26 CJI Inspectors undertook the fieldwork within the Police Service alongside Inspectors from HMICFRS, as part of their 2022 PEEL inspection of the Police Service. This joint, collaborative approach ensured a reduction in duplication of effort and in the resource burden of inspection on the Police Service.
- 1.27 For the purposes of this inspection a qualitative case file review was conducted on a sample of 10 PPS prosecution files, all of which had been completed in the six months prior to the inspection fieldwork. Within these files the victim age ranged from 60 to 89 years. Inspectors reviewed information sent from the Investigating Officer on the file in terms of the outline of the case and details sent to the Prosecutor regarding the victim and their vulnerabilities. Inspectors further considered the approach to the victim and their vulnerabilities in terms of the need for special measures or additional support and the response to this by the police and prosecution.
- 1.28 In light of the extensive review of files undertaken during fieldwork for CJI’s inspection report on *File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 Pandemic*³⁵, published in June 2023, this inspection did not attempt to replicate that work by considering details of the investigatory processes, the file preparation, prosecution decision making or case presentation at Court. Where relevant, findings from that inspection were drawn on for this current report and illustrated by examples of cases involving older vulnerable people.

35 *CJI, An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 pandemic, June 2023* available at <http://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and->

CHAPTER 2: STRATEGY, GOVERNANCE AND PREVENTION

FOCUS ON CRIMES AGAINST OLDER PEOPLE

2.1 As outlined in Chapter 1 the role of COPNI was established under the Commissioner for Older People Act (Northern Ireland) 2011. The website of the Commissioner outlined the priorities for action.³⁶ Of relevance to this inspection these included:

- Supporting our ageing population by promoting positive ageing and ending age discrimination;
 - A Programme for Government which prioritises older people;
- Tackling financial abuse and scams and protecting older victims of crime;
 - Ensure older people are better protected from all forms of crime, abuse and neglect; and
 - Conduct research into the experience of older victims of crime.

2.2 The *Programme for Government* draft Outcomes Framework 2021³⁷ made reference to older people in two Outcomes; 'We all enjoy long, healthy active lives' and 'We have a caring society that supports people throughout their lives'. The key priority areas in relation to these outcomes were the responsibility of the Department of Health, Department for Communities and Department of Infrastructure. The Outcome 'Everyone feels safe – we all respect the law and each other' included a key priority area to 'Address Harm and Vulnerability' which was the responsibility of the DoJ and the Department of Health. This related to 'Supporting and putting protections in place for those who are vulnerable, meeting the needs of those who have experienced serious crime, including the complex needs of children, and delivering for victims and survivors.' There was no specific link therefore in the Programme for Government between older people and the DoJ, however action to address vulnerability would be likely to have an impact on vulnerable older people.

36 See <https://www.copni.org/about-us/priorities-for-action>.

37 The Executive Office, Consultation on the Programme for Government draft Outcomes Framework 2021, January 2021 available at <https://www.northernireland.gov.uk/consultations/consultation-programme-government-draft-outcomes-framework-2021>.

- 2.3 The Northern Ireland Active Ageing Strategy 2016-22³⁸ also included actions to address the fear of crime in relation to Outcome 1: *'Older people live independently for as long as they can, free from poverty and in suitable, safe homes.'* Fear of crime was a programme under this outcome with input from the DoJ, Policing and Community Safety Partnerships (PCSPs) and the Police Service. This programme aimed to *'address fear of crime and promote community safety by engaging with and understanding the concerns of older people and addressing these through community safety initiatives and intergenerational approaches where relevant.'*
- 2.4 The Northern Ireland Policing Board (NIPB) had previously set targets for the Police Service in relation to crimes against older people in Northern Ireland, for example the *2016-17 Policing Plan* set a target of a reduction in the number of offences committed against older people by 2% and an increase in the outcome rate for domestic burglary in which older people are the victims by two percentage points.³⁹ This measure was achieved.⁴⁰ These targets were replaced by a more general measure to *'improve the service...in relation to crimes against older people'* in the 2017-18⁴¹ and 2019-20⁴² Policing Plans. The NIPB Annual Report and Accounts for 2019-20 noted that the number of crimes committed against older people had increased by 7.5% with 80% of these related to theft and criminal damage and 16% related to violence against the person.⁴³
- 2.5 The Northern Ireland Policing Plan 2020-25⁴⁴ focused on addressing repeat victimisation and fear of crime with reference to victims of specific crime types, but not older people. Both Outcomes 1 and 2 could also be assumed to have an impact on the experiences of older people without any direct links being made as outlined in Table 1.

38 Department for Communities, *Active Ageing Strategy 2016-22*, November 2020 available at <https://www.communities-ni.gov.uk/publications/active-ageing-strategy-2016-2022>.

39 NIPB, *Annual Policing Plan for Northern Ireland 2016-17*, March 2016 available at <https://www.nipolicingboard.org.uk/files/nipolicingboard/media-files/Policing-Plan-2016-17.pdf>.

40 NIPB, *Annual Report and Accounts 2016-17*, July 2017 available at <https://www.nipolicingboard.org.uk/publication/annual-report-and-accounts-2016-2017>.

41 NIPB, *Annual Policing Plan for Northern Ireland 2017-18*, March 2017 available at <https://www.nipolicingboard.org.uk/files/nipolicingboard/media-files/nipb-annual-policing-plan-2017-2018.PDF>.

42 NIPB, *Annual Policing Plan for Northern Ireland 2019-20*, March 2019 available at <https://www.nipolicingboard.org.uk/files/nipolicingboard/publications/annual-policing-plan%202019-20.pdf>.

43 NIPB, *Annual Report and Accounts, 2019-20*, October 2020 available at <https://www.nipolicingboard.org.uk/publication/annual-report-and-accounts-2019-2020>.

44 NIPB, *The Northern Ireland Policing Plan 2020-25 and Annual Performance Plan 2022-23*, March 2022 available at <https://www.nipolicingboard.org.uk/publication/policing-plan-2020-2025-and-annual-performance-plan-202223>.

Table 1: Outcomes, indicators and measures from the Northern Ireland Policing Plan 2020-25

Outcome	Indicator	Measure
1. We have a safe community.	1.1 Fewer Repeat Victims of Crime.	1.1.1 Repeat victimisation rate and report on initiatives to support repeat victims with a focus on victims of (i) Domestic Abuse, (ii) Child Sexual Abuse and Exploitation and (iii) Hate Crime in 2022-23.
2. We have confidence in policing.	2.1 The level of public confidence in policing.	2.1.1 Number of people in Northern Ireland who are confident that the Police Service is accessible, visible, responsive and victim focused.
	2.2 The level of satisfaction with the service received.	2.2.1 Number of victims and service users who are satisfied with the service they have received.
	2.4 Delivery of effective crime outcomes.	2.4.1 Levels of crime outcomes, with a particular focus on Domestic Abuse, to identify areas of concern.

LEGISLATION

- 2.6 The majority of offences against older people were covered by criminal law. The offences therefore were varied and could range from assaults to fraud to theft or to homicide offences. Unlike the existing offence against a child, there was no criminal offence of 'neglect' and some interviewees commented that this continued to be a gap in legislation. CJI's 2015 report on adult safeguarding⁴⁵ included commentary on the lack of safeguarding legislation, including the proposals made by the then COPNI for an Adult Safeguarding Bill. This was intended to protect adults in need of safeguarding, including older people, and bring Northern Ireland in line with England, Wales and Scotland, that had such legislation in place for a number of years. The report noted '*CJI look forward to these developments and believe that arrangements for safeguarding adults should be on a similar footing to that in place for children.*'
- 2.7 In December 2020, the Department of Health launched a consultation on an Adult Protection Bill with an analysis report of the responses published in July 2021 and final policy proposals for Ministerial consideration published later in July 2021.⁴⁶ The latter proposed a draft Bill, to be called the 'Adult Protection Bill', which would introduce additional protections to strengthen and underpin the adult protection process. With the absence of a Minister and the collapse of the Northern Ireland Assembly, this Bill had stalled.

45 CJI, *Adult Safeguarding: The approach of the criminal justice system to investigating and prosecuting crimes against vulnerable adults*, September 2015 available at <https://www.cjini.org/getdoc/d7cf5adb-eafc-4a93-b959-f3aa0021c491/Adult-Safeguarding>.

46 Department of Health, *Legislative options to inform the development of an Adult Protection Bill for Northern Ireland*, July 2021 available at <https://www.health-ni.gov.uk/consultations/legislative-options-inform-development-adult-protection-bill-northern-ireland>.

- 2.8 In November 2020, the DoJ published the report of an Independent Review of Hate Crime Legislation undertaken by His Honour Judge Marrinan ('the Review').⁴⁷ The Review report noted: *'Age is not a protected characteristic under the existing hate crime laws. Including it would protect all age groups, although one would imagine that the majority of such cases are likely to involve crimes against older people[....] The majority of respondents to the review were opposed to the inclusion of age as a protected characteristic. On the other hand, 63% of respondents to the online survey agreed that age should be included as a protected characteristic[....]. The inclusion of age as a protected characteristic is likely to be controversial. However, having weighed up all the submissions received including the expert evidence submitted to the review, I consider that there is sufficient evidence of 17 hostility-based offences against the elderly to include age as a protected characteristic.'* Recommendation 9 of the report was: *'All current protected characteristics in Northern Ireland – race, religion, disability and sexual orientation should continue to receive protection under the proposed model set out in Recommendation 2, together with the new recommended protected characteristics of age, sex/gender and variations in sex characteristics.'*
- 2.9 The DoJ response to the Review was published in July 2021.⁴⁸ The response to Recommendation 9 included the following: *The Department agrees that both elder abuse and violence against females are important issues. In order to explore the varying views raised in the Final Report and recommendations to include age and gender as protected groups, further consideration will be required as part of wider considerations, including the definition of hate crime and threshold for proving aggravation. It will be important to consider the concerns of some that the addition of any new protected group may dilute the function of the hate crime legislation and that it would cease to be about protecting disadvantaged minorities. For example, evidence shows that crimes against older people are often based on their perceived vulnerability, not their age. It is also possible these issues may be best addressed via mechanisms already ongoing, for example the Sentencing Review (sentencing already takes into consideration the vulnerability of older victims) and The Executive Office work on the development of a Violence Against Women and Girls Strategy. Further work will be required on the inclusion of age and sex/gender as protected groups and will be subject to further consultation.*
- 2.10 This approach follows that accepted after the Law Commission's review of hate crime in England and Wales,⁴⁹ where it was recommended that age should not be added as a protected characteristic in hate crime laws. However, it is in contrast to Lord Bracadale's recommendation in Scotland, which has been carried forward in the Hate Crime and Public Order (Scotland) Act 2021.⁵⁰

47 DoJ, *Hate Crime Legislation in NI: Independent Review, November 2020* available at

<https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review>.

48 DoJ, *Review of Hate Crime Legislation in NI: Departmental Response, July 2021* available at

<https://www.justice-ni.gov.uk/publications/review-hate-crime-legislation-ni-departmental-response>.

49 Law Commission, *Hate crime laws: Final report, December 2021* available at <https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jxou24uy7q/uploads/2021/12/Hate-crime-report-accessible.pdf>.

50 See <https://www.legislation.gov.uk/asp/2021/14/contents>.

2.11 CJI sought views during the course of this inspection about the inclusion of age as a protected characteristic in hate crime legislation. In common with the findings of the Marrinan Review, there were mixed views, but more responses in favour of utilising sentencing options (either existing approaches or new statutory provisions) to consider targeting of an older person by virtue of their vulnerability as an aggravating factor rather than as a crime aggravated by hate or hostility. Sentencing options are discussed further in Chapter 5 of this report.

UNDERSTANDING AND DEFINING THE ISSUE

2.12 There was no agreed definition across the criminal justice system as to what constituted an older person or victim of crime, although this was no different to a lack of definition in statute as outlined in the Introduction to this report. The Police Service's *Older People and Crime Strategy*⁵¹ defined 'older person' and 'older people' as a person aged 60 years or over. The Police Service specifically mentioned age in their definition of vulnerability as follows, as 'a term used to describe a person who is in need of special care, support or protection because of age, disability or risk of abuse or neglect.'⁵² It did not, however, reference ageism nor the potential for it to impact on access to justice of older people.

2.13 The inspection by HMICFRS and HMCPSI also identified a lack of definition of an older person as an issue in their inspection in England and Wales. They highlighted the following cause for concern: *'The police and CPS response to crimes against older people is not as co-ordinated and effective as it could be. This is partly because there is no joint agreed definition of what constitutes an older victim and no co-ordinated approach to the response to these crimes'* and recommended that *'Within six months, the NPCC [National Police Chiefs' Council] lead for adults at risk and the CPS should agree a joint and simple definition of what constitutes an older victim, and take a co-ordinated approach to understand and respond to the problem.'*

2.14 The Police Service's repeat victimisation process had also included a focus on older people. A repeat victim was defined as anyone who is the victim of two or more crimes with the last 365 days, with the Police Service specifically focusing work on repeat victims aged 60 years and above when they were victim to six or more incidents compared to 10 or more incidents for those aged 18-59 years. Inspectors were provided with examples whereby this process led to a focus on repeat victims who were older vulnerable people (see Chapter 3).

51 *Police Service of Northern Ireland, Older People and Crime Strategy, 2018, internal document.*

52 *Police Service of Northern Ireland, SP1816: Service Policy - Vulnerability, March 2022 available at <https://www.psn.police.uk/sites/default/files/2022-09/Vulnerability%20Policy%209%20March%202022.pdf>.*

- 2.15 The Police Service’s Police Analysts had produced a number of analytical products in 2020 regarding crimes against older people. These included strategic problem profiles on the police demand from older persons and older people as repeat victims, a victimology analysis of domestic burglary against those aged 80 and over and analysis of crimes against older people during the COVID-19 pandemic.

- 2.16 Crimes against older people were across the range of offences experienced by the general population, although, as outlined in Chapter 1, older people were more likely to experience crimes on property and there had been a significant increase in offences in a domestic setting against older people. Inspectors were told of some crime types where older people were particularly targeted by perpetrators. Burglary of a dwelling house or fraud offences (for example as a result of being targeted by a rogue trader) were cited as types of crime where the appearance of the property belonging to an older person meant that they could easily be targeted.

- 2.17 Similarly Inspectors were told of examples of harassment cases where victims living in properties on housing estates which were suitable for the physical needs of older people (which, for example, having ramps for wheelchair access, grab rails or which were located on the ground floor) were targeted by paramilitaries, or alleged paramilitaries, who wanted to intimidate the older person from that property in order to acquire it for their own older family member.

- 2.18 Older people were also considered particularly vulnerable to fraud involving cash, given their increased likelihood of having access to cash in their homes. One example of this was the focus by the Police Service on raising awareness of older people, directly through *ScamwiseNI* and in partnership with the Post Office, of the potential for being scammed or having money stolen from them during the period of the energy bill support payment scheme.⁵³ For those who did not pay for their energy bills by direct debit a voucher was issued which could be redeemed for cash at a Post Office. This increased the risk of fraud for those in receipt of payments by scammers as well as the risk of theft from those who were in possession of a large amount of cash after redeeming their voucher. The risk of theft, in these circumstances, was identified as particularly high for older people.

⁵³ The energy bill support payment scheme was introduced in Northern Ireland in early 2023 to support households with increased energy costs. Households in Northern Ireland received a single non-repayable payment totalling £600 to help with their energy bills. See <https://www.gov.uk/guidance/getting-household-energy-bill-support-in-northern-ireland#voucher-payments-for-customers-without-a-direct-debit-arrangement>.

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ORGANISATIONAL STRATEGIES

- 2.19 The Police Service had developed an *Older People and Crime Strategy* in 2018 and had a Strategic Lead for Older People. Inspectors were advised that a review of this Strategy would be undertaken once a national review had concluded, due in November 2023. This review was in response to a recommendation in the HMICFRS and HMCPSI inspection⁵⁴ that '*Within six months, the NPCC leads for adults at risk, age-related matters and the vulnerable people portfolio should develop a strategy for how the police service should respond to the problems faced by older people, and agree who should be responsible for it.*' Inspectors believe that the outcome of the national review should be reflected in the Police Service *Older People and Crime Strategy* once completed.

OPERATIONAL RECOMMENDATION 1

Inspectors therefore recommend that, once the National Police Chiefs' Council has published its strategy for the police response to older people, the Police Service of Northern Ireland should review its Older People and Crime Strategy and make revisions as appropriate.

- 2.20 The Policing and Community Safety Partnership (PCSP) Effectiveness report for 2021-22⁵⁵ illustrated the areas that each PCSP had identified as key thematic areas for delivery during the year. This indicated that five of the 11 PCSPs had identified 'elderly' as a priority. It is likely, however, that some of the other thematic areas, such as 'home security/fear of crime', 'neighbourhood watch' and 'vulnerable' would impact on services provided to older people. PCSPs were described as being of vital importance to crime prevention work and were heavily involved in the work of Multi-Agency Support Hubs (see section on 'Prevention and awareness raising').
- 2.21 There was no equivalent policy or guidance on crimes against older people to that published by the CPS within the PPS. Instead, PPS policies on victims and witnesses and domestic abuse included references to older people in relevant parts. The PPS draft *Policy for Prosecuting Cases of Domestic Abuse*,⁵⁶ for example, contained an Annex on domestic abuse issues relevant to particular groups which included a section on older people. This outlined the additional vulnerabilities experienced by older people and the barriers to seeking intervention by the criminal justice system. In the PPS *Victims and Witness Policy*⁵⁷ older people were specifically mentioned in relation to the potential for them to be intimidated victims.

54 HMICFRS and HMCPSI, *The poor relation: The police and CPS response to crimes against older people*, July 2019 available at <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/charges-against-older-people.pdf>.

55 DoJ/Northern Ireland Policing Board, *Policing and Community Safety Partnerships Annual Effectiveness Report 1 April 2020 - 31 March 2021* available at <https://www.pcsp.org/files/pcsp/documents/2022-08/pcsp-effectiveness-report-1-april-2020-31-march-2021.pdf>.

56 PPS, *Policy for Prosecuting Cases of Domestic Abuse, draft for consultation*, November 2022.

57 PPS, *Victims and Witness Policy*, June 2017 available at <https://www.ppsni.gov.uk/sites/ppsni/files/publications/PPS%20Victim%20and%20Witness%20Policy%2028June%202017%29.pdf>.

The COPNI was a member of the PPS Stakeholder Engagement Forum. The PPS advised Inspectors that the organisation welcomed this positive engagement which allows the views of older people to be reflected.

- 2.22 The NICTS did not have specific policies about older people but instead staff drew on their general policies on Court users and victims and witnesses with a focus on individual needs rather than on the needs of specific groups. These policies are discussed further in Chapter 4.

GOVERNANCE AND OVERSIGHT OF CRIMES AGAINST OLDER PEOPLE

- 2.23 The Police Service held a meeting of the Older Persons and Crime group every quarter. This group reviewed the District response to crimes against older people, trends in data and sharing good practice. Tactical Tasking and Co-ordination Group monthly meetings included a review of crime types and seasonal crimes trends, including vulnerability, in order to set Area and District priorities.
- 2.24 Across the 11 Police Districts strategic, tactical and operational governance existed through daily Area and District Management Meetings. These meetings reviewed specific incidents and crime types, including incidents where victims were aged 60 years and above, such as burglary and domestic offences. To support this Police Officers and Police Staff at each level of the organisation could use the Police Service's PULSE Performance Portal application. PULSE enabled the user to review recorded crimes, crime trends, outcomes, repeat victimisation and geographical location of offences using a range of filters, including age of the victim. For victims over 60 the filter functionality related to four categories; 60 years and above; 60-69 years; 70-79 years and 80 years and above.

PREVENTION AND AWARENESS RAISING

- 2.25 As outlined in Chapter 1, the *Northern Ireland Active Ageing Strategy 2016-2022*⁵⁸ included actions to address the fear of crime in relation to Outcome 1: 'Older people live independently for as long as they can, free from poverty and in suitable, safe homes.' Fear of crime was a programme under this outcome with activities achieved between the introduction of the Strategy and November 2020 reported on, as outlined in Table 2:

58 Department for Communities, *Active Ageing Strategy 2016-22, November 2020* available at <https://www.communities-ni.gov.uk/publications/active-ageing-strategy-2016-2022>.

Table 2: Active Ageing Strategy 2016-22: Report on Strategy Actions Supporting Outcome 1

How much did we do? (Action carried out by)	How well did we do it?	Is anyone better off?
Awareness raising of scams among carers and families via ScamwiseNI (DoJ).	ScamwiseNI Facebook page launched in March 2018. It has 8,818 likes and 9,202 follows – a rise in almost 2,300 likes and 2,500 follows compared to last year. (An average of 190 new likes and 205 follows per month.) Between January and July 2020 the page had an audience reach of 1,570,175 people.	There has been positive user feedback, including: “Essential for people to be informed of how scammers work” “Fantastic work Scamwise” and “Great information in a clear concise format”.
Policing and Community Safety Partnerships (PCSPs) deliver tailored support in their districts (DoJ/external partners).	1,468 older people attended 109 home safety awareness events. 1,600 homes were assessed under PCSP Safe Home/Home Security Schemes with over 2,000 additional security devices fitted. In addition, 1,150 older people receive Good Morning or Age Well calls with approximately 15,000 calls made in the final quarter of 2019-20.	User surveys showed 100% of attendees at awareness events felt safer afterwards and 100% of recipients of security advice/devices felt safer in their homes. 100% of participants are satisfied with the Good Morning and Age Well initiatives.
Working across government to develop new approaches to dealing with harm and vulnerability including the development of a healthy places programme in collaboration with local councils and partners across community, voluntary and statutory organisations (DoJ led – Cross-departmental/Councils/external partners).	10 council areas had developed Support Hubs.	Initial evidence has shown calls to the PSNI [Police Service] from those vulnerable individuals being supported by Support Hubs, have reduced on average by 46%. Further data development work is ongoing through an independent survey which ran from 6 July 2020 to 14 August 2020. Results are not yet available.
Support provided to older people who were victims of crime through a Support Responder pilot in Ards and North Down Borough Council area and Lisburn and Castlereagh City Council area. St John’s Ambulance volunteers provide immediate practical and emotional support to older people in the short term if they become victims of crime in an effort to reduce the immediate impact of the crime (DoJ/St John’s Ambulance/Lisburn and Castlereagh City Council/ Ards and North Down Borough Council).	At the 12-month review meeting (in December 2019) it was noted that uptake of the service in the pilot areas was limited due to support provision through family/friends. However, PSNI [Police Service] and St John’s Ambulance are content to keep the service in place. At a further review meeting in March 2020, it was noted that consideration is being given to extending the service to Armagh, Banbridge and Craigavon Council area. St John’s Ambulance will consider any additional training and funding requirements for this additional provision.	A further meeting will be held in September/October 2020 to monitor progress. <i>*COPNI confirmed that this pilot stalled during the COVID-19 pandemic and did not resume.</i>

- 2.26 The Police Service engaged in crime prevention activities in a number of ways. Many of these activities aimed to raise awareness about personal and home safety for older people, particularly those who were repeat victims, as well as targeted at particular types of crimes. Much of this work was undertaken in conjunction with the local PCSP. Stakeholders told us about engagement with the Police Service both within specific departments and in local Districts which assisted in this work. The Police Service website was a source of information on crime prevention within its *Keeping Safe* pages including the areas of *protecting yourself*, *protecting your home*, *Christmas safety advice* and *rural crime prevention*.⁵⁹ nidirect included similar information in its crime prevention pages.⁶⁰ Text Alert schemes operated in some Council areas and were supported by the PCSP and the Police Service. Police Service Districts also posted policing updates and crime prevention advice on the *Nextdoor* smartphone application.⁶¹
- 2.27 Police Service Crime Prevention Officers emphasised the need to reach older people through traditional media, as some would or could not engage with online media. Talks by Police and Crime Prevention Officers, radio and printed news or literature were considered important. Examples of crime prevention leaflets were provided to CJI Inspectors in relation to hate crime, cold callers, scams, house burglaries, property and rural crime. Crime Prevention Officers were also trained as Design Out Crime Officers who provided specialist advice and guidance regarding the built environment to minimise crime, disorder and anti-social behaviour. They had been involved in the design of social housing schemes specifically for older people.
- 2.28 Neighbourhood Watch Co-ordinators were highlighted as a key partner in disseminating literature around local areas with personal relationships with partners being identified as important. Stakeholder organisations provided examples of where Neighbourhood Policing Officers had presented to community or church organisations which held groups for older people. The Police Service, in partnership with the COPNI, also launched a '*Nominated Neighbour*' scheme in 2015.⁶² This is an initiative that, if an unrecognised caller comes to the address of an older person when they are alone in the house, the caller will be handed a card instructing them to contact their '*Nominated Neighbour*', who will then try and check the caller's identity.
- 2.29 The Police Service engaged in a number of partnerships and media campaigns to raise awareness of crime types and issues that may impact on older vulnerable people. The ScamwiseNI Partnership⁶³ was established in November 2016 and involved over 45 organisations with representatives from faith groups, youth organisations and the charity sector. The objective of the Partnership was to engage and inform the community about the risks of scams and the range of scams that exist.

59 See <https://www.psnl.police.uk/safety-and-support/keeping-safe>.

60 See <https://www.nidirect.gov.uk/information-and-services/crime-justice-and-law/crime-prevention>.

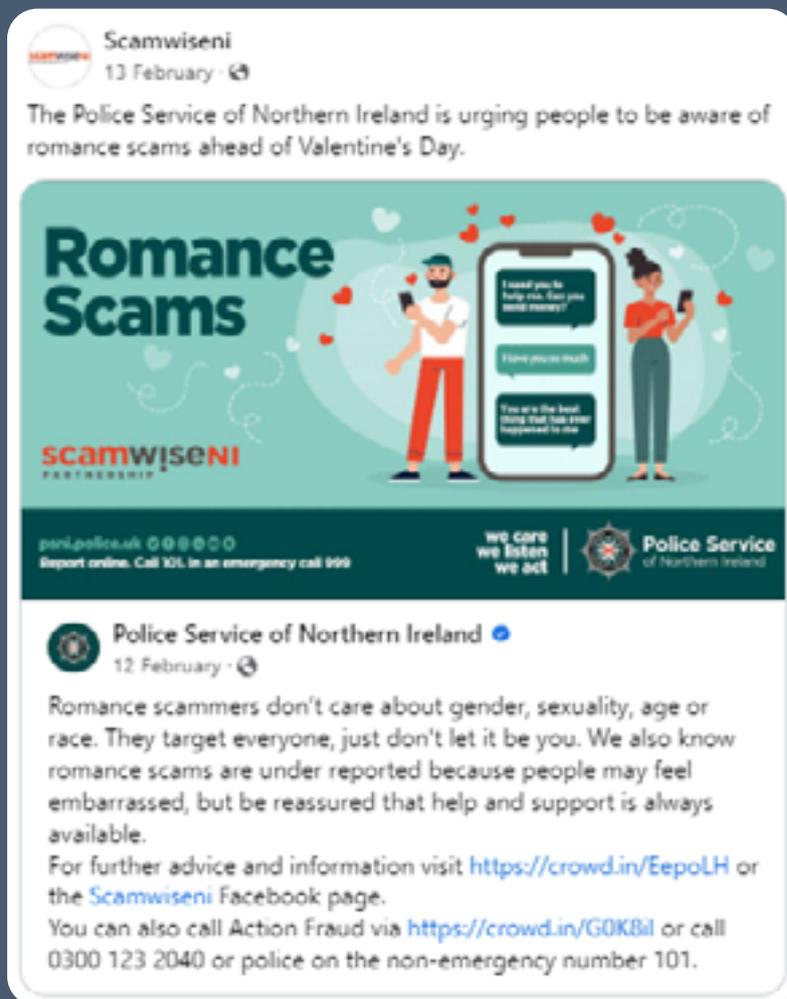
61 See <https://go.nextdoor.com/ukpublicservices>.

62 See <https://www.copni.org/news/2015/october/the-commissioner-for-older-people-works-with-the-psni-to-launch-the-nominated-neighbour-scheme>.

63 See <https://www.nidirect.gov.uk/campaigns/scamwiseni>.

Information on types of fraud and what to do in the event of a scam was available on the *ScamwiseNI* website, Facebook page and in the fifth edition of the 'The Little Book of Big Scams'. *ScamwiseNI* and Police Service media campaigns included general scam advice as well as seasonal information on scams linked to particular times of year or to events or current issues that were occurring in the public domain. This included, for example, Valentine's Day, Safer Internet Day, the Energy Bills Support Scheme, Black Friday and Cyber Monday and the COVID-19 pandemic. An example of a *ScamwiseNI*/Police Service Facebook post to warn of romance scams ahead of Valentine's Day is shown in Image 1.

Image 1: ScamwiseNI/Police Service social media post regarding romance scams



2.30 Partners from the voluntary and community sector were positive about the work of *ScamwiseNI*, including the Police Service representatives involved. It was noted that the increased campaigning had facilitated greater awareness. Some examples were provided of where Police Officers, including the Chief Superintendent who was Chair of the *ScamwiseNI* Partnership, had spoken to groups involving older people to raise awareness of scams and what action could be taken.

The sense of shame and blame associated with being the victim of a fraud or scam was highlighted as being a barrier to reporting by both stakeholders and the Police Service's Crime Prevention Officers. It was noted that often the victim did not want to tell even their family that they had been scammed, sometimes because they did not want their family to know how much money they had and then that they had lost it. In other cases, Inspectors were advised that people living alone with dementia could easily have significant sums of money stolen from them but did not realise that it was gone.

2.31 The *QuickCheck* Scheme had also been in operation for a number of years to provide reassurance to members about callers to their door claiming to be from utility companies. *QuickCheck* was re-launched by the Utility Regulator and the Police Service with the network companies in 2018, shortly followed by the gas suppliers joining the scheme. In February 2023, it was announced by the Utility Regulator that electricity suppliers had also signed up to the scheme.⁶⁴ In the *QuickCheck* Scheme the Police Service worked in collaboration with partners from the utilities sector, to enable anyone to verify the identity of someone who says they are calling on the pretext of inspecting gas, electricity or water supplies on the 101 number. The Police Service provided management information to CJI, for the purposes of this inspection, on *QuickCheck* usage. This showed that the service had been utilised just under 46,000 times during the calendar year 2022.⁶⁵ Although information about *QuickCheck* was included on the Police Service and Utility Regulator websites it was not included in the pages on crime prevention advice on the nidirect website.

2.32 The Police Service also worked in collaboration with *ScamwiseNI* partners as part of the Banking Protocol, a UK-wide initiative to prevent banking fraud. This involved branch staff being trained to ask questions of customers when money was being transferred or withdrawn, detect the warning signs of a scam and make an emergency call to the police. A commitment had been made that police would always be dispatched to a Banking Protocol emergency call. The work on the Banking Protocol was not specifically highlighted on the Police Service's website nor on the nidirect website. The Police Service provided figures on the use of the Banking Protocol to CJI for the purposes of this inspection, which indicated that it had been used 62 times during 2022.⁶⁶

64 Utility Regulator, *Extra protections now in place for residents as Quick Check 101 scheme enhanced, February 2023* available at <https://www.uregni.gov.uk/news-centre/extra-protections-now-place-residents-quick-check-101-scheme-enhanced>.

65 It should be noted that these figures were in relation to all age categories, not just those aged 60 - 65 years and above.

66 As per the *QuickCheck* figures this applies to all age categories.

OPERATIONAL RECOMMENDATION 2

Inspectors recommend that **within six months of the publication of this report the Police Service of Northern Ireland should identify opportunities to further promote awareness, through a range of methods, of the *QuickCheck* and Banking Protocol schemes, including through the Police Service of Northern Ireland and *nidirect* websites, and develop a communications plan to deliver this.**

- 2.33 Domestic abuse campaigns had also included messaging around older vulnerable people becoming victims. The #StillAbuse campaign following the introduction of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 in February 2022 included a video featuring an older person describing their experience of coercive and controlling behaviour.⁶⁷ The Police Service had also supported Women's Aid during 2019-20 in their 'Older but no safer' campaign and their Annual Report noted that the Service '*continue to discuss opportunities to highlight the particular vulnerability of older women to domestic abuse.*'⁶⁸
- 2.34 Following a successful pilot in Armagh, Banbridge and Craigavon, and previous implementation across England, Wales and Scotland, the Herbert Protocol was launched in September 2022 by the Police Service in partnership with Dementia NI, local Health and Social Care Trusts and PCSPs. As a risk reduction tool, the Protocol consisted of a pre-completed form containing vital information about a person with dementia to be supplied to Police at the earliest opportunity if that person is reported missing. This included for example medication, description, photograph, significant places in the person's life and their daily routine, all to be recorded on a form. An information leaflet and the form were available to download on the Police Service's website.⁶⁹
- 2.35 Crime Prevention Officers also advised Inspectors about the Police Service's involvement in the '*Message in a Bottle*' scheme, introduced initially in Great Britain as a partnership between Lions Clubs International and emergency services.⁷⁰ The scheme was a simple but effective way for people to keep their basic personal and medical details where they can be found in an emergency, on a standard form, and in a common location (the refrigerator). The project assisted emergency services personnel save valuable time identifying an individual and knowing if they have allergies or take special medication. It was open to anyone but considered particularly suitable for vulnerable people and people that experience difficulty recalling information or communicating with staff, for example, people living with dementia.

67 See <https://www.nidirect.gov.uk/still-abuse>.

68 Police Service of Northern Ireland, *Annual Report and Accounts for the year ending March 2020, November 2020* available at <https://www.psni.police.uk/sites/default/files/2022-10/chief%20constable%20annual%20report%202020.pdf>.

69 See <https://www.psni.police.uk/safety-and-support/advice-and-information/missing-persons/herbert-protocol>.

70 See <https://lionsclubs.co/MemberArea/knowledge/lions-message-in-a-bottle/>.

MULTI-AGENCY PARTNERSHIP WORKING

- 2.36 Safeguarding provisions in respect of adults were well established through Regional Policy documentation, with strategic leadership and direction to organisations involved provided by the Northern Ireland Adult Safeguarding Partnership and the five Local Adult Safeguarding Partnerships.⁷¹ The Police Service and Health and Social Care Trusts (HSCTs) were identified as the lead agencies with responsibility for adult protection under the Protocol for Joint Investigation of Adult Safeguarding Cases ('Joint Protocol').⁷² The Joint Protocol related to adults at risk and in need of protection where the harm caused by abuse, exploitation or neglect constituted a potential criminal offence.
- 2.37 Officers within the Police Service's Public Protection Branch Central Referral Unit and Adult Safeguarding teams described positive working relationships with their counterparts in HSCT Adult Safeguarding Teams. Co-alignment between the Police Service Public Protection Units and the HSCTs enabled effective professional relationships to be built.
- 2.38 The Multi-Agency Support Hub initiative was established in 2016 in the Derry City & Strabane Council Area and Policing District. An evaluation report published in 2021 noted that Multi-Agency Support Hubs were *'aimed at tackling the root causes of offending behaviour and reducing potentially harmful behaviour within families and the community [...] designed to help vulnerable people, who may be on the cusp of entering the Criminal Justice System, get access to the right support, at the right time, from the right organisations within their local area. The hubs can help and support people with complex needs, who may be experiencing a range of problems that require intervention from more than one agency, such as:*
- *victims of ongoing antisocial behaviour or crime,*
 - *those being drawn into behaviour which may lead to offending, and*
 - *individuals in difficult situations which can affect their personal safety, physical and/or mental health.'*⁷³
- 2.39 In most areas the PCSP Manager or team was usually involved in co-ordinating the Multi-Agency Support Hub meetings. Organisations involved with hubs could differ depending on location, but included representatives from the Police Service, HSCTs, Local Councils, housing, youth justice, probation, education and the ambulance and fire and rescue services. In rolling out the Multi-Agency Support Hubs, beyond Derry City & Strabane, other Policing Districts had piloted hubs based

71 Department of Health, Social Services and Public Safety & DoJ, *Adult Safeguarding: Prevention and Protection in Partnership*, July 2015 available at <https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/adult-safeguarding-policy.pdf>.

72 Northern Ireland Adult Safeguarding Partnership, *Protocol for Joint Investigation of Adult Safeguarding Cases*, August 2016 available at <https://hscboard.hscni.net/download/PUBLICATIONS/safeguard-vulnerable-adults/niasp-publications/Protocol-for-joint-investigation-of-adult-safeguarding-cases.pdf>.

73 DoJ and Northern Ireland Statistics and Research Agency, *Evaluation of Support Hubs in Northern Ireland*, March 2021 available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/evaluation-of-support-hubs-in-northern-ireland.pdf>.

on the same model but with slight variations, for example a focus on young people or adults. The evaluation report noted that between the introduction of Multi-Agency Support Hubs in 2016 and January 2021, 599 referrals had been dealt with, involving 291 males and 308 females. It found that most Multi-Agency Support Hub clients typically faced addiction issues and mental health problems.

2.40 Inspectors met with Police Officers working in the Police Service Derry City & Strabane Multi-Agency Support Hub as part of this inspection. This team were part of a larger District Community Planning Team, which also included the Reducing Offending Unit, the Youth Diversion Officers and the Crime Prevention Officer. They described in detail the processes undertaken to ensure that repeat and vulnerable victims and perpetrators were identified on police systems and allocated to Police Teams for proposed intervention, including referral to the Multi-Agency Support Hub. The Officers working in the Multi-Agency Support Hub were in daily contact with colleagues from the partner agencies in order to identify Tier 3 and Tier 4 interventions⁷⁴ for those at greatest need, and signposted individuals to Tier 2 interventions who did not meet the thresholds for Tier 3. Officers also engaged in safety planning with other agencies and had been able to avail of training through their connections with Social Services in Adverse Childhood Experiences and Signs of Safety.

2.41 The Chief Constable was asked, in a written question from NIPB's Partnership Committee in May 2021, about the extent to which Multi-Agency Support Hubs reduced demand on the Police Service.⁷⁵ Using data from the Multi-Agency Support Hub within Derry City & Strabane the response indicated that 128 individuals were collectively involved in 855 (58.9%) fewer police incidents in the six months after discharge from the Multi-Agency Support Hub in comparison to the six months before admission. The response noted: *'This would suggest a reduction in demand upon the PSNI [Police Service]. Further, consideration must be given to the positive impact on the levels of personal trauma experienced.'*

2.42 Although the reported outcomes from Multi-Agency Support Hubs related to those who encountered police from across the spectrum of ages from childhood to older age, Inspectors were advised in Derry City & Strabane of instances where the person referred to the Multi-Agency Support Hub was an older person. One significant focus for the Multi-Agency Support Hub's work was repeat victims and within this one of the criteria was older repeat victims (as outlined previously with six occurrences being identified in the previous 12 months).

74 Interventions are across four tiers: Tier 1 - Universal services e.g. schools, GP, advice services etc.
Tier 2 - Targeted services for individuals and families beginning to experience - or at risk of - difficulties e.g. programmes, harm reduction interventions.
Tier 3 - Specialist services for individuals and families with multiple needs such as intensive family support, specialist community mental health/addiction services, and services for those with disabilities.
Tier 4 - Specialist services for individuals and families with severe and complex needs, including child/adult protection services, inpatient mental health/addiction services.

75 NIPB, *Question to the Chief Constable: Support Hubs, May 2021* available at <https://www.nipolicingboard.org.uk/questions/support-hubs>.

Multi-Agency Support Hub staff would therefore review every crime relating to a person over the age of 60 years and flag them as a concern for safety requiring further action as appropriate. If an older person was the victim of a burglary that would also be reviewed and passed to the Crime Prevention Officer. Case Example 1 illustrates the complex nature of the cases dealt with by the Multi-Agency Support Hub.

Case Example 1

Police were receiving regular calls to an address. Further investigation of the circumstances resulted in an awareness that the resident of the address was a 70-year-old man who suffered from alcohol addiction and dementia. Local people were exploiting him, for example street drinkers using the house and individuals trying to get their names registered at his address and taking his medication. Multi-Agency Support Hub staff realised that a criminal justice solution to this issue would not be possible and therefore instead focused a multi-agency approach to address the issues facing the man. He was provided with a lockbox for his medication to prevent others taking it from him, assistance to enable him to take his medication at regular intervals and was supported to re-engage with family. Although he died six months after the interventions were put in place the Police Officer felt it was positive that he was able to live his last six months of his life in peace.

- 2.43 Although the Multi-Agency Support Hub model had been rolled out across the Police Service Districts there were differences in the titles, terminology, scope and focus of the Hubs. Terms of Reference existed but these varied across the 11 Multi-Agency Support Hubs and membership of the partner agencies also differed. Improved consistency with common language and definition of the role of the Multi-Agency Support Hub would be beneficial to ensure greater understanding within both the Police Service and within partner organisations, with scope to share good practice. **Work to agree common terminology and the overarching strategy for Multi-Agency Support Hubs is an area for improvement.**
- 2.44 Crime Prevention Officers described partnership working in their Policing Districts with PCSPs and agencies such as Social Services who made referrals for their services. Although all those spoken to by Inspectors confirmed that older people were a priority for both the Police Service and the PCSP in their area, there appeared to be varying levels of funding and resources provided across the Council Districts. Examples were provided of crime prevention equipment, funded by the PCSP or the Police Service, that could be recommended by Crime Prevention Officers following a home safety assessment. This included window locks, home alarms, security lighting and doorbells and Closed-Circuit Television Systems, depending on the level of risk. A reduction in funding was cited as a significant issue with £100,000 in funding within the Police Service available two years ago but only £10,000 in 2022-23.

CHAPTER 3:

POLICE SERVICE FIRST RESPONSE, INVESTIGATION AND CASE BUILDING

POLICIES AND GUIDANCE

3.1 The Police Service's *Service Policy on Vulnerability*⁷⁶ defined vulnerability as 'a term used to describe a person who is in need of special care, support or protection because of age, disability or risk of abuse or neglect'. This Policy governed a number of Service Instructions, including those on domestic abuse, sexual violence and abuse and adult safeguarding. The *Police Service Instruction on Adult Safeguarding*⁷⁷ defined an 'adult at risk of harm' as 'a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their personal characteristics and/or life circumstances. Personal characteristics may include, but are not limited to:

- Age;
- Disability;
- Special Educational Needs;
- Illness, Mental or Physical frailty; or
- Impairment of, or Disturbance in, the functioning of the mind or brain.

Life circumstances may include, but are not limited to:

- Isolation;
- Socio-Economic factors; and
- Environmental living conditions.'

3.2 The Police Service Instruction on *Supporting Victims and Witnesses*⁷⁸ included a section on older people noting that 'Older people can be targeted because of their perceived or actual vulnerability. Crimes against older people can take place in a context of abuse, neglect or mistreatment where they live, whether this is in a care home, their own home or hospital. As with any victim of crime, we must consider the impact of the crime on him or her and the support needs that may arise as a result. Generally, officers should deal with crimes against older people in the same way as they will for any criminal investigation.'

76 Police Service of Northern Ireland, *Service Policy SP1816: Vulnerability*, March 2022 available at <https://www.psni.police.uk/sites/default/files/2023-04/Vulnerability%2028%20April%202023.pdf>.

77 Police Service of Northern Ireland, *Service Instruction SI2517*, August 2022 available at <https://www.psni.police.uk/sites/default/files/2022-09/Adult%20Safeguarding%209%20August%202022.pdf>.

78 Police Service of Northern Ireland, *Service Instruction SI1317: Supporting Victims and Witnesses*, May 2018 available at <https://www.psni.police.uk/sites/default/files/2022-09/Supporting%20Victims%20and%20Witnesses%2029%20May%202018.pdf>.

The policy then listed additional considerations that may need to be made in respect of older people including partnership working, evidence gathering and specialist victim services. In respect of the policy regarding repeat victims, older people were subject to a lower threshold for intervention by the Multi-Agency Support Hubs than other age groups.

TRAINING AND AWARENESS RAISING

- 3.3 Police Officers highlighted that there was a significant focus on vulnerability in general within the Police Service. However, there were mixed responses on the extent and nature of which they had been trained on vulnerability issues or the appropriateness of undertaking this training in an online format. For example, some Officers spoke about initial training they had received on joining the Police Service with ongoing District training on vulnerability issues such as the *Victim Charter*, child sexual exploitation and mental health, whereas others stated that they had not received formal training but received information by email about vulnerability. Only one group spoken to described receiving specific training on age-related vulnerability and this was in relation to identifying Alzheimer's disease and access to support intermediaries.
- 3.4 In most cases, however, Officers demonstrated an awareness of issues relating to vulnerability and the *Victim Charter* and how they could seek assistance in responding to the signs. The Multi-Agency Support Hub (see Chapter 2) was described by several Officers as a key source of support, particularly for those who were repeat victims of crime.
- 3.5 A programme of domestic abuse awareness raising had been rolled out to support Officers and staff with the implementation of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.⁷⁹ This was a four-module e-learning programme developed in partnership with Women's Aid, which also included guidance documents on best evidence and victim support.
- 3.6 Officers also demonstrated an awareness of the policy that burglaries involving a victim aged over 60 years were allocated to a Detective in the Crime Investigation Department (CID), rather than a Local Policing Response Officer. Officers had access to an online burglary 'toolkit' which included specific standards where the victim was an older person aged over 60 or 80 years. This included information on 'what works' for burglary under four categories of attend, investigate, prevent and support. A 'Practical Peeler' guidance document had been developed for use when dealing with family related financial complaints, in consultation with the COPNI. 'Practical Peelers' had also been produced in relation to elder abuse and rogue traders as well as guidance on older drivers.

⁷⁹ See <https://www.legislation.gov.uk/nia/2021/2/contents>.

3.7 There were examples provided of police engaging with stakeholder organisations for training or awareness raising in relation to particular issues, including training on elder abuse to Officers in the Newry, Mourne and Down area as well as training on Alzheimer’s disease in the Foyle area. These organisations welcomed the opportunity to provide such training. Inspectors were informed that pre the COVID-19 pandemic, training on Alzheimer’s disease was provided centrally within the Police College ensuring a broader reach across policing; however concerns were raised that this had not been reinitiated. The training on elder abuse remained an isolated event in a single location. Stakeholder organisations reported no further input into training across criminal justice agencies, either on specific issues or more generally on vulnerability in later life.

OVERSIGHT AND SUPERVISION

3.8 Daily Area and District Management Meetings were held within the Police Service to provide strategic, tactical and operational governance. These meetings reviewed specific incidents and crime types such as vulnerability, fraud, burglary and domestic incidents, including incidents where victims were aged 60 years and above. Follow-up actions were referred from these management meetings to Local Policing Response or Neighbourhood Teams, Crime Prevention Officers or the Multi-Agency Support Hubs.

3.9 As outlined in Chapter 2, management information from the Police’s PULSE Performance Portal application allowed Managers, Supervisors and Officers to review recorded crimes, crime trends, outcomes, repeat victimisation and geographical location of offences using a range of filters. These filters included a specific age filter that could be set at various points from aged 60 years and above. Data could be viewed for a fixed time-period such as the past 24 hours, week, month or 365 days. This data could be used by Managers in advance of official statistics published by the Police Service Statistics Branch.

3.10 Repeat victims and perpetrators had become an increasing focus for the Public Protection Branch. As noted above there was a lower threshold intervention for older people who were repeat victims. In adult safeguarding cases, repeat victims were also able to be identified more quickly through a newly created analytical product and Supervisors and Senior Management within the Public Protection Branch had a focus on repeat victims. **Supervisors and Senior Managers need to be aware of ageism and how it can manifest itself in a criminal justice setting where assumptions can be made about older victims and this is an area for improvement.**

LIST OF ABBREVIATIONS

CHIEF INSPECTOR'S FOREWORD

EXECUTIVE SUMMARY

RECOMMENDATIONS

CHAPTER 1: INTRODUCTION

CHAPTER 2: STRATEGY, GOVERNANCE AND PREVENTION

CHAPTER 3: POLICE SERVICE POLICE RESPONSE, INVESTIGATION AND CASE BUILDING

CHAPTER 4: PPS DECISION MAKING AND CASE BUILDING

CHAPTER 5: TRIAL AND COURT PROCESS

CHAPTER 6: THE EXPERIENCES OF VICTIMS AND THEIR SUPPORTERS

APPENDICES

CALL HANDLING AND CASE ALLOCATION

- 3.11 Call handlers within the Police Service used the national 'THRIVE' (threat, harm, risk, investigation, vulnerability and engagement) approach for assessing calls to the police and prioritise calls for service.⁸⁰ The THRIVE approach did not, however, continue during the lifetime of the case once Officers had been allocated to investigate it. The 2023 HMICFRS PEEL inspection⁸¹ considered the use of THRIVE by the Police Service and this will be reported on in due course. The NICHE Records Management System was used by call handlers to review previous calls to police from the victim or access information about known vulnerabilities. Call handlers were able to describe the vulnerabilities that would potentially be relevant to older people and how the systems facilitated them to explore these. They were also able to describe their approach to the banking protocol and callers accessing information using the *QuickCheck* Protocol. Although the age of the caller did not produce a flag on the call management system, call handlers demonstrated their awareness of the need to consider age related vulnerabilities and provide a priority response where necessary.
- 3.12 Adult safeguarding cases were triaged by the Public Protection Branch Central Referral Unit in line with the Regional Protocol. A co-located Social Worker was being embedded into the team at the time of the inspection to support the work of the Unit, ensure effective communication and information sharing between organisations and to support urgent risk assessments. Cases were then allocated to Adult Safeguarding Officers in the Public Protection Branch or to Local Policing depending on the type of case.
- 3.13 Some concerns were raised from stakeholders about incidents being reported to police, which were deemed not to be a criminal matter and where callers were advised to address the issue by another method. The 2023 COPNI report⁸² included some examples where the Commissioner's Office had intervened in cases of alleged financial abuse or theft by a family member against an older person who lacked capacity and where the reporting person had been advised that it was a civil matter. In response to this issue being raised by the COPNI the Police Service had developed the Practical Peeler guidance described earlier in this Chapter.

80 *College of Policing, Introduction to vulnerability-related risk, November 2021* available at

<https://www.college.police.uk/guidance/vulnerability-related-risks/introduction-vulnerability-related-risk>.

81 *HMICFRS, The Police Service of Northern Ireland, An inspection of police effectiveness, efficiency, vetting and standards, pending publication.*

82 *COPNI, A Different Crime: Offending Against Older People, April 2023* available at

<https://www.copni.org/media/1899/a-different-crime-2023-crime-report.pdf>.

FIRST RESPONSE

- 3.14 In general, stakeholder organisations and victims of crime spoken to during the fieldwork for this inspection were positive about the response from the police. Where concerns were raised, this tended to be relating to a lack of understanding or awareness of the complexities of the vulnerabilities experienced by older people. Inspectors were told that when older people experienced domestic abuse, financial abuse or more general elder abuse, particularly from long-term partners or adult children, they faced huge challenges in identifying that they had been a victim of crime initially and then in overcoming the barriers of fear, stigma or the consequences for them in reporting to police. This included the possibility that they or their partner (if one of them was unable to live independently, did not have access to money to pay for housing or were experiencing dementia) would be placed in a care setting. In addition, one stakeholder mentioned the barriers older people who suffered domestic violence and abuse may experience because of their faith and the potential impact of divorce, in a way that younger people may not. An example was given of a woman disclosing to her religious minister that she had been subjected to abuse, but the response was a reminder of her marital vows and the need to stay in the marriage.
- 3.15 Victims living in rural communities were also noted as facing additional barriers to reporting, where they would feel exposed in their close community for reporting to the police. In some of these cases it was reported that Police Officers did not appear to appreciate the need for additional support for these victims and responses could sometimes focus on the negative, for example that they would have to give evidence in Court or that their family member would end up with a criminal record.
- 3.16 Stakeholder organisations highlighted the significant level of underreporting of crimes against older people. Examples were provided by stakeholders and older victims of crime of offences that had not been reported to police at all, because of not wanting to be cut off from grandchildren, fear of loss of their home or being placed in a nursing home, fear of repercussions from (alleged) paramilitaries or because of shame and fear of stigma in their communities. An example given to Inspectors is outlined in Case Example 2.

Case Example 2

A 76-year-old lady requested support from Women's Aid. To an outsider looking in she had a great life with a husband and a lovely home. However, after a lifetime of controlling behaviour and domestic abuse, her husband succumbed to a physical disability but wouldn't let her bring carers in to assist her to care for him. He went from being physically and sexually abusive to her to other types of abuse. He continued to spit on her despite his physical disability. She discovered that he hadn't added her name to the deeds of their house and because of this she believed she couldn't leave. He threatened to have her put in a home; she was also afraid of the possibility of institutional abuse.

- 3.17 The initial needs assessment of victims of crime has been highlighted as requiring improvement by the Police Service in CJI's 2020 report on Victims and Witnesses.⁸³ The report made a number of recommendations in relation to improving the services provided to victims, against which progress will be assessed in CJI's Follow-Up Review on this report.
- 3.18 This inspection attempted therefore not to duplicate the work that resulted in the 2020 Victims and Witnesses report, however within this current inspection Inspectors heard specific concerns from stakeholders for older people and older victims of crime about how victim needs were insufficiently identified. The importance of training on age related vulnerabilities was highlighted through discussions relating to the implementation of needs assessments for vulnerable older victims of crime. Inspectors were informed about occasions when needs assessments were simply not conducted and while this has also been reported in relation to all victims of crime, the particular impact on vulnerable older people was highlighted.
- 3.19 Of particular concern within this current inspection were issues about Police Officers understanding what affects the ability of older people to give their best evidence such as Alzheimer's disease or other types of dementia and general cognitive decline as result of aging. On occasions, the rapid onset of dementia symptoms, coupled with the time taken from the initial incident to the case being heard in Court, was cited as an unforeseen difficulty that could affect a victim's ability to give evidence.
- 3.20 One organisation observed a presumption about dementia that a person's memory would definitely be affected and that they would not be a 'reliable' witness, which has implications for how people with dementia are considered. This is an example of how stereotypes can potentially impact a victim's access to justice. They noted that a person with dementia could still be a good witness if proper support was in place. It was emphasised to Inspectors by all stakeholders that older people needed to be treated as individuals with neither an assumption that they were incapable of being a reliable witness nor being treated paternalistically, with a focus on their potential frailties.
- 3.21 In the case files examined for this inspection, there was evidence that the needs of the victim had not been sufficiently considered, or that the need for additional support or special measures applications had not been identified at a sufficiently early stage.

⁸³ CJI, *Victims and Witnesses: The Care and Treatment of Victims and Witnesses of Crime by the Criminal Justice System in Northern Ireland, July 2020* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Victims-Witness>.

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3.22 Where there had been engagement between police and support groups such as those for dementia and Alzheimer's disease, this led to positive results in terms of a greater understanding of the needs of people experiencing this type of disease and how to communicate with them. Inspectors were advised that victims were referred to Victim Support NI or signposted to more specialist support organisations such as Women's Aid and there were positive benefits to this. However, very few were signposted to specific age-related support organisations such as the Alzheimer's Society or Hourglass Northern Ireland.

INVESTIGATION AND CASE BUILDING

3.23 CJI's inspection of *File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 pandemic*, published in June 2023, undertook in-depth case reviews to identify where improvements could be made in investigation and prosecution processes.⁸⁴ Of relevance to this report the inspection found:

- the quality of building files to the agreed standard was poor, with improvements needed in following lines of enquiry in Magistrates' Court cases;
- in the Magistrates' and Crown Courts files examined, more than three out of 10 were not being progressed in a timely way; and
- only 56% of Magistrates' Court cases reviewed had appropriate recorded levels of supervision to progress a case.

This current inspection therefore focused on specific issues in relation to vulnerable older people, rather than the approach overall.

3.24 The Investigation sections of both the *Victim Charter*⁸⁵ and the *Witness Charter*⁸⁶ included a requirement for police to have the number of interviews or any questioning of the victim or witness kept to a minimum. The *Victim Charter* standard was to 'be interviewed by the police as few times as possible' - only where necessary for the investigations - and to have someone of your choice with you (unless this would hinder the police investigation). However, the processes of the criminal justice system, where the individual may have to tell their story several times, was noted as being particularly difficult for older people. The reliance on digital evidence and expectation that older people can assist in this process could also be a challenge; in one example Inspectors were told that an older person was asked to download and send all her WhatsApp messages to the Investigating Officer, in order to evidence the harassment she had suffered, but did not know how to and no assistance was offered.

84 CJI, *An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 pandemic*, June 2023 available at <http://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and>

85 DoJ, *Victim Charter: A Charter for Victims of Crime*, January 2019 available at <https://www.justice-ni.gov.uk/publications/victim-charter>.

86 DoJ, *Witness Charter: A Charter for Witnesses of Crime*, April 2017 available at <https://www.justice-ni.gov.uk/publications/witness-charter>.

- 3.25 As outlined in Chapter 2, the Police Service Instruction on *Supporting Victims and Witnesses*⁸⁷ included a section on older people. In relation to cases involving older victims, it highlighted that 'Generally officers should deal with crimes against older people in the same way as they will for any criminal investigation' but listed a number of additional considerations for these types of cases. This list included 'In appropriate cases, conducting interviews in accordance with *Achieving Best Evidence guidance*⁸⁸ and 'Considering the use of a Registered Intermediary if the older person has significant communication difficulties which might hinder their ability to give evidence.'
- 3.26 Stakeholders reported that, although the use of visually recorded evidence interviews⁸⁹ were well established for children and victims of sexual offences, they were not widely used for older people. This was particularly a missed opportunity where it became evident later in the case that the victim would struggle to give their best evidence because of declining physical health or cognitive ability. One example from the file review, in Case Example 3, illustrates this issue.

Case Example 3

The case related to an aggravated burglary of the house of an 83-year-old female, which occurred in June 2021. The case was allocated to and investigated by CID and a file was prepared and sent to the PPS two days later.

During the incident two individuals broke into the woman's house, and one entered her bedroom. They stole a number of items from her home. One of the defendants had a knife when he was in the kitchen although he did not threaten the victim and the aggravated charge was later dropped.

The Prosecutor Information Form (sent from the Investigating Officer to the PPS) made reference to her being 83 years old and living alone in the section on 'victim views on prosecution' but this information was not included in the victim vulnerability section. The victim vulnerability section referred to her being over 60 years old, but gave no further details. There was no evidence of a discussion regarding special measures. In the witness statement reference was made to mobility issues, but this was not referenced in the police file. The lady reported to the police that she was terrified and she thought the defendant was going to murder her.

A decision was made to prosecute in December 2021. The woman's health issues were noted by the Victim and Witness Care Unit in February 2022. A referral to Victim Support NI was made in March 2022 by the Victim and Witness Care Unit.

87 Police Service of Northern Ireland, *Service Instruction SI1317: Supporting Victims and Witnesses*, May 2018 available at <https://www.psni.police.uk/sites/default/files/2022-09/Supporting%20Victims%20and%20Witnesses%2029%20May%202018.pdf>.

88 See DoJ, *A guide to achieving best evidence - a practitioner guide*, January 2012 available at <https://www.justice-ni.gov.uk/publications/guide-achieving-best-evidence-practitioner-guide>.

89 The Criminal Justice (Evidence) (Northern Ireland) Order 2004 provides for the use of visually recorded interviews with vulnerable and intimidated witnesses. These also sometimes known as 'Achieving Best Evidence interviews'.

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An application was made by the Prosecutor for special measures in March 2022 to enable the woman to give evidence by live link. The special measures application was adjourned 11 times. By the time the case came to trial in September 2022 the lady had died.

The defendants were found guilty at trial of burglary 467 days after the incident was reported to the police. The victim in this case died less than a year after the offence and five months before the case was brought to Court.

- 3.27 Prosecutors also reported seeing very few visually recorded evidence interviews used for older people, the majority being for child victims or victims of sexual offences. They believed that these types of interviews could be a beneficial approach in cases involving vulnerable older people, with a suggestion that it should be considered more in cases involving an older person. It was noted, however, that even with this evidence, it could be challenging to prove the case if there was evidence the victim had issues of cognitive decline. The Police Service had invested in the resources available for undertaking visually recorded evidence by training a team of Officers who could be called upon when such interviews were required.
- 3.28 There was also limited evidence of the use of Registered Intermediaries in cases involving older people. Data provided for the purposes of this inspection indicated that, since 2020, only 3% of requests sent to the Registered Intermediaries Scheme related to a victim aged 60 years and above.⁹⁰ Prosecutors also indicated that, anecdotally, they were far more likely to be used for individuals with learning or educational difficulties, with the vast majority being younger than 65 years.
- 3.29 The evidence obtained in this inspection is that the Police Service needs to do more to ensure Investigating Officers provide vulnerable older victims with the opportunity to give their best evidence. This needs to include greater consideration of the use of visually recorded evidence in cases involving vulnerable older people, where there is evidence that age-related factors may prevent them from giving their best evidence at Court, as well as the use of Registered Intermediaries, where appropriate. These improvements should encompass a range of approaches including policy development, training, guidance and supervision processes. In addition, where there is evidence that the vulnerable older person may face difficulties in giving their best evidence at Court, for example through cognitive or physical health decline, then systems should be in place to ensure that such cases can be accelerated through the criminal justice system.

⁹⁰ Data provided by the DoJ Victim Support Division reported that, in the three years between April 2020 and March 2023 there had been 3,248 requests to the Registered Intermediaries Scheme to provide assistance to a witness in a case (which included for victims, defendants and other witnesses), of which 138 (4%) requests related to those aged 60 years and above. CJI were advised that approximately 70% of requests for Registered Intermediaries related to assistance for a victim. It is therefore estimated by CJI that victims aged 60 years and above related to just under 3% of requests made to the Scheme.

STRATEGIC RECOMMENDATION 1

Inspectors therefore recommend that within 12 months of the publication of this report, the Police Service of Northern Ireland, in conjunction with the Public Prosecution Service for Northern Ireland, should develop and implement an action plan to better enable vulnerable older victims of crime to give their best evidence and enable the effective progression and acceleration of cases, where appropriate.

3.30 It is clear from the information gained during this inspection that the issues of file quality identified in CJJ's 2023 report are evident in the approach to vulnerable older victims of crime. Recommendations made in that report are also relevant to older people who are victims of crime, particularly where they have physical or cognitive issues which may impact on their ability to give their best evidence.

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CHAPTER 4: PPS DECISION MAKING AND CASE BUILDING

TRAINING AND AWARENESS RAISING

- 4.1 As outlined in Chapter 2, the PPS did not have specific policies or guidance in relation to older people. The new draft *Policy for Prosecuting Cases of Domestic Abuse*⁹¹ had included a section on older people in its Appendix on particular groups and this was positive. In the PPS *Victims and Witness Policy*⁹² there was reference in the section on intimidated witnesses where special measures applications may be sought to one possible source of evidence being that the victim was 'a frail and older person' or 'is making allegations against professionals or carers.'
- 4.2 The PPS advised that it was currently revising this latter policy and were, following consultation with the COPNI, considering how vulnerable older people can be considered within the policy. CJI would see this as a positive step as providing a focus on the needs of older people and potential complexities of cases involving older vulnerable people, but one that does not need to be particularly difficult in its development. The focus of this could be on those crimes that older people are more likely to experience, such as crimes against property and domestic abuse, as outlined in Chapter 1. This work should also consider how ageism impacts access to justice and creates vulnerabilities for victims, as well as the barriers faced by older people in giving their best evidence. The CPS policy on *Prosecuting Crimes against Older People*⁹³ for example pulls together considerations from a range of other types of offence/victims which are of particular relevance to older people, such as public interest, case building, domestic abuse, victim and witness issues and sentencing.

OPERATIONAL RECOMMENDATION 3

Inspectors recommend that, as policies are due for review, the Public Prosecution Service for Northern Ireland should continue to work with the Commissioner for Older People in Northern Ireland to better reflect the needs of older people in its policies, particularly the Victim and Witness Policy, and associated internal guidance for Prosecutors. This should include defining what is meant by an older person.

91 PPSNI, *Policy for Prosecuting Cases of Domestic Abuse, draft for consultation, November 2022.*

92 PPS, *Victims and Witness Policy, June 2017* available at <https://www.ppsni.gov.uk/publications/victim-and-witness-policy>.

93 CPS, *Prosecuting Crimes against Older People, April 2020* available at <https://www.cps.gov.uk/legal-guidance/older-people-prosecuting-crimes-against>.

- 4.3 Neither prosecuting lawyers nor those working in the Victim and Witness Care Unit reported having had any specific training on older people. Victim and Witness Care Unit staff noted that training had included references to older people but that the underlying approach was the same as for other victims. It would be beneficial if potential vulnerabilities faced by older people and their specific needs featured in future training on victim needs.

DECISION MAKING AND CASE PREPARATION

- 4.4 Although cases involving older people were not flagged, in the way that existed in the CPS in England and Wales, the age of the victim both at the time of the incident and their current age was evident in the case file. In some cases, the file would reference the age of the victim or them being '60+' in the relevant vulnerability boxes of the Prosecutor Information Form. A more significant issue, as outlined in Chapter 3, was the limited information provided by the Investigating Officer to explore the vulnerabilities of the victim related to them being an older person (if any) and the impact of this on their ability to give their best evidence. Inspectors were advised that very often the relevant box was left blank or with very vague details, which made it virtually impossible for the Prosecutor to fully understand the victim's needs. There was evidence of this within the case files reviewed during the fieldwork for this inspection.
- 4.5 The PPS advised CJI that victim attrition was a significant issue in domestic abuse cases and that there was some evidence to suggest that the likelihood of an older complainant disengaging was slightly higher than for other age groups. This is likely to be related to the many barriers faced by older vulnerable people discussed in Chapter 3. Despite this, age was not included as a criteria in the quality assurance processes for reviewing domestic abuse cases. This type of quality assurance is particularly important given the finding by the UN Independent Expert on older people, as outlined in Chapter 2, that *'Experiences of violence, abuse and neglect can be aggravated on the basis of age, since older persons are less likely to be taken seriously by law enforcement bodies.'*⁹⁴ In one example in the case files Inspectors saw evidence of this type of case.

94 UN, A/HRC/48/53: Report on ageism and age discrimination, August 2021 available at <https://www.ohchr.org/en/documents/thematic-reports/ahrc4853-report-ageism-and-age-discrimination>.

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Case Example 4

A 29-year-old man was arrested by police for disorderly behaviour and breach of bail. The breach related to an allegation of theft from his 64-year-old mother while he was using her home as a bail address. During the course of the disorderly behaviour incident, he was also arrested for assaults on police and common assault.

There was a history of domestic violence in the family since the defendant had been a child. The domestic history provided to the Prosecutor showed six previous incidents of reports to police involving violence against the person, criminal damage and theft. Convictions for criminal damage included incidents that had occurred in his parents' house. The issues had been ongoing since the defendant was a child, with evidence that the Police Service Youth Diversion Officer had been involved previously. There had been previous occasions where the mother had withdrawn her complaints against her son.

This report of breach of bail occurred in April 2021, with a file sent to the PPS two days later. The Victim and Witness Care Unit contacted the mother in early November to ask about availability to attend Court. She reported that, since the incident, her husband had passed away, and she no longer wished to be involved in the prosecution. The Victim and Witness Care Unit asked the Police Investigating Officer to contact her. It was unclear from the records if this was done or what the outcome was, but the charge of theft was withdrawn at the end of November 2021.

There was no record that the victim had been informed of the initial prosecution decision, but she was sent an outcome letter despite withdrawing from the case.

OPERATIONAL RECOMMENDATION 4

Inspectors recommend that, **within three months of the publication of this report, the Public Prosecution Service for Northern Ireland should include age as a criteria in its quality assurance processes for cases involving domestic abuse or a domestically motivated crime. The outcomes of this should be monitored to identify and address any areas for improvement.**

- 4.6 As outlined in Case Example 3 in Chapter 3, the need for special measures was not always identified at an early stage of the investigation process and therefore applications were not always made in a timely way. The lack of use of visually recorded interviews at an early stage impacted on the ability to properly ensure the victim could give their best evidence when the case came to Court. Stakeholders noted that this was an issue common to all ages of victim but there could be a significant impact on older people where the need for special measures was missed until late in the prosecution process, with any unnecessary delay impacting on a person who is getting older and frailer.

VICTIM COMMUNICATION AND ONGOING NEEDS ASSESSMENT

- 4.7 The 2019 COPNI report⁹⁵ raised the issue of communication with victims, particularly in relation to the use of legal terminology. It recommended *'All literature sent to victims and witnesses and that which is available online, should adopt the explanations given in the Victim Charter for an intimidated witness. The DoJ, PSNI [Police Service], PPS should work with stakeholders such as the Commissioner for Older People for Northern Ireland to provide further elaboration in documentation of what is meant by a 'vulnerable victim or witness' (Recommendation 7).*
- 4.8 The support and information sections of the *Victim Charter*⁹⁶ and *Witness Charter*⁹⁷ notes that victims have the right to *'have service providers take suitable measures to help you understand what they are telling you and make sure they understand what you are telling them'*. CJI has commented on the need for improvements in the approach to communications with victims in numerous reports since its first inspection of victims and witnesses in 2005.⁹⁸ CJI's most recent report on *File Quality Disclosure and Case Progression and Trial Recovery from the COVID-19 pandemic* noted: *'Senior lawyers within the PPS agreed with the Inspection Team that these letters were often confusing or made no sense for those who would receive them.'*⁹⁹ The evidence from agencies and stakeholders and consideration of case files during this inspection reiterates this issue for older people who are victims of crime.
- 4.9 There did not appear to be a consistent approach to updating records and systems across the criminal justice system about the needs of victims or their current issues. Stakeholders highlighted the requirement for an ongoing needs assessment, that travelled the journey through the criminal justice system with the victim, and that was updated at regular intervals rather than them having to re-tell their story. This was particularly important when the victim was an older person, with more propensity to physical and cognitive health issues, or when they nominated a next of kin to deal with communication. One example was provided to Inspectors of a staff member ringing the next of kin of an older person to give an update, only for them to respond, *"I told you six months ago they had died."* There was no record on the system as to who the next of kin had informed.
- 4.10 Inspectors were informed that victim records were often not fully updated with details of next of kin, which caused delays when it was evident that the victim did not have sufficient capacity to understand, and details had to be requested from the police. With most of these issues not being identified until the Victim and Witness Care Unit attempted to contact the victim regarding availability for Court there were missed opportunities to provide support or respond to the victim's needs.

95 COPNI, *Crime and Justice: The Experience of Older People in Northern Ireland, May 2019* available at <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>.

96 DoJ, *Victim Charter: A Charter for Victims of Crime, January 2019* available at <https://www.justice-ni.gov.uk/publications/victim-charter>.

97 DoJ, *Witness Charter: A Charter for Witnesses of Crime, April 2017* available at <https://www.justice-ni.gov.uk/publications/witness-charter>.

98 See www.cjini.org.

99 CJI, *An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 pandemic, May 2023* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and->

CHAPTER 5: TRIAL AND COURT PROCESS

THE CASE AT COURT

- 5.1 Stakeholders highlighted the unsuitability of some parts of the Court estate for vulnerable older people. It was noted that older people were more likely to have mobility and health issues, and Court buildings were often not designed to support people with those vulnerabilities. This sometimes depended on the listed status constraints and layout of the Court building, for example Inspectors were told of a case heard in a Court where an older person who used a walking stick found it difficult to manoeuvre in the small space of the witness box. In older Courthouses, where the consulting rooms and Courtroom were on a different floor to the victim and witness room, this could be difficult for those with mobility issues and lead to increased chance of meeting the defendant.
- 5.2 In response to the social distancing measures and public health restrictions introduced during the COVID-19 pandemic, Remote Evidence Centres were set up, but Inspectors were told that these were not being frequently used, despite their potential to support older people in giving their best evidence during Court proceedings. Where work had been undertaken at Courthouses to improve the access for people with disabilities this was also seen to benefit older people with mobility issues.
- 5.3 The intimidating nature of Court buildings was also highlighted as challenging for all victims of crime, but particularly for vulnerable older people, especially those that were suffering from dementia. Those with dementia could face the possibility of hallucinations, or audio sensory issues from their experiences, which would frighten them.
- 5.4 Communication deficits were also cited by stakeholders as a challenge for older people. The NICTS estate had a loop system in place for those with hearing difficulties or hearing loss and Inspectors were advised that there were mechanisms in place so that any faults were reported at the earliest opportunity for resolution. However, the loop system was mentioned as an issue by stakeholders on occasions in some locations, for example where it was not widely available or not functioning correctly. In these instances, Inspectors were told that during the hearing the Judges and legal representatives would resort to shouting at older people which was considered undignified and could be intimidating.

SENTENCING GUIDANCE

- 5.5 In October 2019 the DoJ launched a consultation to seek views on sentencing policy both generally and on a range of specific areas where sentencing had raised particular challenges for the criminal justice system.¹⁰⁰ This *Sentencing Review* included consideration of the sentencing of crimes against older and vulnerable people. This noted that *'there is no specific offence of crime against older and/or vulnerable people in the United Kingdom or Ireland. Instead, in line with sentencing guidance, the judge is generally required to treat the fact that the victim was an older or otherwise vulnerable person as an aggravating factor.'*
- 5.6 As outlined in the consultation paper, the Judiciary NI website contained information on sentencing guidance and judicial decisions. The Northern Ireland Court of Appeal guidance in *R v Edward Cambridge* advised sentencers that the deliberate targeting of vulnerable victims was considered an aggravating factor, and the starting point for the sentence calculation should increase accordingly depending on the age, vulnerability or infirmity of the victim.¹⁰¹
- 5.7 Sentencing guidelines for the Magistrates' Court¹⁰² in relation to specific offences included reference to victim vulnerability. For example, guidance on burglary referenced *'Victim deliberately targeted (for example out of spite or due to vulnerability)'* as an example of a possible aggravating factor of an offence and in relation to theft there was a starting point of four months custody for an offence against a vulnerable victim compared to a theft from a person not involving a vulnerable victim **and** low value (where the starting point was a community order). Similarly assault offences included the victim being particularly vulnerable as a possible aggravating factor, although did not include specific reference to age.
- 5.8 Inspectors were advised by the Presiding Judge (Magistrates' Courts) that Judges would take the age of the victim into account during sentencing and were provided with examples of cases where the victim had been particularly targeted because of their age and therefore the perpetrator was sentenced to custody in recognition of this as an aggravating factor. Victim Impact Statements were seen as being beneficial in highlighting the effects of the crime on an older vulnerable person. It was however suggested to Inspectors by some stakeholders and those in the criminal justice system that this could be strengthened in law, in the same way as it has been for victims of domestic abuse. The conclusions to the DoJ *Sentencing Review*¹⁰³ resulted in similar views about the need for additional requirements in law noting *'There was a high level of support for the proposition that wider vulnerability rather than narrower old age should be protected. There was strong support for the creation of statutory aggravating factors, both on the basis of the actual vulnerability of the victim and their perceived vulnerability.'*

100 DoJ, *Sentencing Review Northern Ireland: A Public Consultation, October 2019* available at <https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/sentencing-review-northern-ireland-consultation.pdf>.

101 NI Court of Appeal, *R v Edward Cambridge*, NICA 4, 2015 available at <https://www.judiciaryni.uk/judicial-decisions/2015-nica-4>.

102 See <https://www.judiciaryni.uk/sentencing-guidelines-magistrates-court>.

103 DoJ, *Sentencing Review Policy Consultation: Way Forward, April 2021* available at <https://www.justice-ni.gov.uk/publications/sentencing-review-policy-way-forward>.

5.9 The DoJ proposals following the *Sentencing Review* concluded, in relation to crimes against older and vulnerable people, that the then Minister had agreed that:

- legislation should provide for the fact that a victim's vulnerability was obvious or the victim was targeted due to their perceived vulnerability as an aggravating factor;
- the definition of vulnerability should reflect the definition found in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;
- no new offence of assault on a vulnerable person is required; and
- the Sentencing Policy Review Team should continue to work with the hate crime review team to ensure any legislative changes can co-exist without contradiction or duplication.

CJI support this approach and look forward to the development of draft legislation to further these agreed actions arising from the sentencing review.

OUTCOME RATES FOR CRIMES AGAINST OLDER PEOPLE

5.10 As mentioned previously, cases where the victim was an older person were not flagged across the criminal justice system in the way that existed for cases where there was a domestic motivation to the offence or sexual offences. At the time of this inspection therefore, the lack of consistent data recording across the organisations meant that only the Police Service monitored outcome rates in their own Police Recorded Crime Statistics. The PPS Case Management System recorded outcomes against defendants and the NICTS systems recorded Court outcomes against cases (which may include multiple defendants and/or victims). The PPS were working on an amendment to their systems to enable them to analyse data at a victim-level.

5.11 The 2021 report by the UN Independent Expert on Older People¹⁰⁴ noted that '*older persons are still largely invisible in terms of data and statistics and the lack of disaggregated data*' contrasts with the obligations on States to collect and analyse disaggregated data and information in order to identify and render visible inequalities and patterns of discrimination. This lack of system-wide analysis of data in the criminal justice system has been highlighted in Northern Ireland by the Commissioner for Victims of Crime Strategy for 2022-25, which noted: '*we must allocate resources to ensure that we have effective information systems across all organisations that enables the robust analysis and monitoring of performance of the system as a whole.*'¹⁰⁵

104 UN, A/HRC/48/53: *Report on ageism and age discrimination, August 2021* available at <https://www.ohchr.org/en/documents/thematic-reports/ahrc4853-report-ageism-and-age-discrimination>.

105 *Commissioner for Victims of Crime, Strategy 2022-25, February 2023* available at <https://www.cvocni.org/publications/strategy-2022-2025>.

- 5.12 The issue of equality monitoring across the Section 75 categories¹⁰⁶ was raised in CJI's 2018 report on *Equality and Diversity within the Criminal Justice System*.¹⁰⁷ This recommended that the Criminal Justice Board develop, and lead on the monitoring of, strategic equality goals for criminal justice. Older people could potentially be a strategic equality goal to form part of this work. The report also recommended that each of the inspected agencies should review their Section 75 monitoring arrangements in relation to relevant functions and include actions to address gaps in monitoring and explain disparities identified in existing statistics within an action plan. At the time of this inspection, it was difficult to identify whether older people experienced differential outcomes due to a lack of system-wide data.
- 5.13 The Police Service published disaggregated outcome rates¹⁰⁸ by the age of the victim. While the Police Service recorded crime statistics identified that older people in Northern Ireland were less likely than other age groups to become a victim of a crime, the outcome rates suggested that older victims were also less likely to have an assigned crime outcome. The overall recorded crime outcome rate (excluding those investigated by Action Fraud) for victims in Northern Ireland in 2021-22 was 28.6%. The outcome rate for victims aged 65 years and above was 14.9%, the second lowest outcome rate after those aged under 18 who had an outcome rate of 14.2%. Victims aged 60-64 years had an outcome rate of 17.5%, while the average rate for victims aged 18-59 years was 18.6%.¹⁰⁹
- 5.14 Older victims have had a lower outcome rate relative to victims aged 18-59 years since the time series began in 2007-08, however the gap in outcome rates has been reducing. In 2007-08 the gap in outcome rates recorded for victims aged 18-59 and those aged 60-64 years was 5.3 percentage points and 7.3 percentage points for those aged 65 years and above. In 2020-21 this gap had reduced to 1.1 percentage points for victims aged 60-64 years and 3.7 percentage points for those aged 65 years and above.

106 Section 75 of the Northern Ireland Act (1998) places a duty on public authorities to have due regard for the need to promote equality of opportunity between:

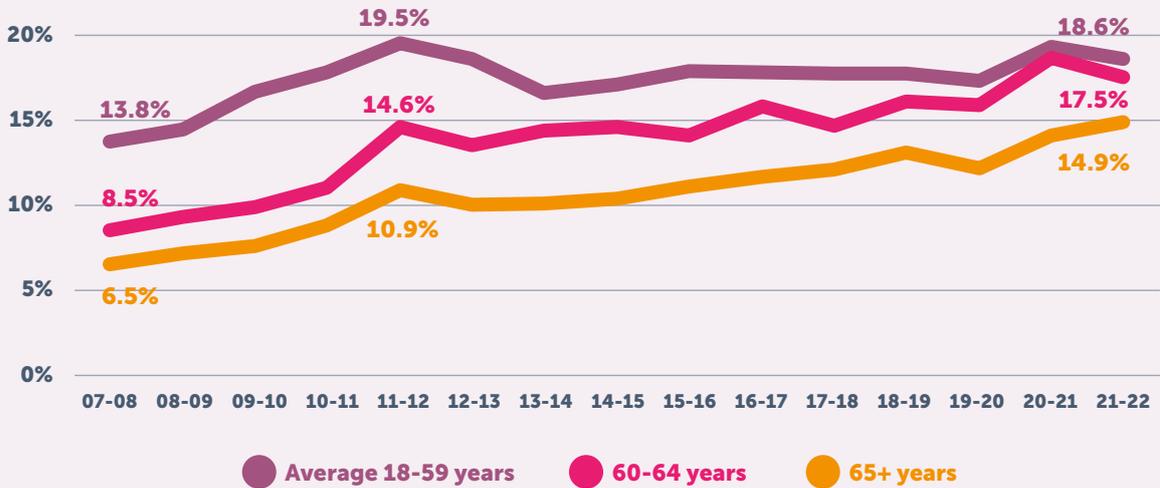
- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

107 CJI, *Equality and Diversity within the Criminal Justice System*, September 2019 available at <http://www.cjini.org/getdoc/94cca2ae-524d-43cd-b17b-a9c0856c8aaa/Equality-and-Diversity-within-the-Criminal-Justice.aspx>.

108 Outcome rates indicate where a resolution or action has been attributed to a crime. These include charge/summons, cautions (adult and juvenile), discretionary disposals, penalty notices for disorder and offences taken into consideration and indictable only offences where no action was taken against the offender (died before proceedings or PPS did not prosecute).

109 *Police Service of Northern Ireland, Police recorded crime, sanction outcomes and population rates by victim gender, victim age and crime type*, December 2022 available at <https://www.psn.police.uk/sites/default/files/2022-12/crime%20tables%20Nov%2022.xlsx>.

Figure 2: Police recorded sanction outcome rates by age, Northern Ireland 2007-08 to 2021-22



5.15 Although the data shows a reducing gap between outcome rates for older people and those for victims aged 18-59 years this is, in part, due to a declining rate for younger victims rather than just improved outcome rates for older victims. This therefore requires further monitoring to assess whether the gap continues to close or whether potential differentials reappear.

POST-CONVICTION VICTIM INFORMATION

5.16 In common with victims of all ages, older victims could register with one of the three victim information schemes in Northern Ireland within the PBNI Victim Information Unit. The three schemes covered victims where the offender had been:

- sentenced to time in prison - the Prisoner Release Victim Information Scheme;
- given a community-based sentence involving the PBNI - the Probation Board Victim Information Scheme; and
- given a hospital restriction order - the Mentally Disordered Offenders Victim Information Scheme.

Staff from the Victim Information Unit had assisted the COPNI research team during their research for the 2023 report¹¹⁰ by providing some examples of personal experiences of crimes against older people. CJI met with staff from the Unit to discuss the experiences of older people in the justice system and the particular issues they faced.

110 COPNI, *A Different Crime: Offending Against Older People*, April 2023 available at <https://www.copni.org/media/1899/a-different-crime-2023-crime-report.pdf>.

- 5.17 Similar to the evidence from stakeholders, staff from the Victim Information Unit highlighted the barriers faced by older people in reporting crime, particularly where the perpetrator was a family member. This was evidenced by the discussions older people had with staff, including expressing concern for how the offender was getting on post-conviction. Inspectors were also advised that older people tended to have an interest in restorative justice, reflective of their desire for the offender to learn from their mistakes. Staff also highlighted the significant impact of crime on some victims, including them becoming socially isolated for fear of leaving their home.

- 5.18 A significant amount of the work of staff involved explaining the sentence to older people, particularly where information received in paper format was confusing for them. It was also evident that some older people had a family member or friend who supported them or assisted to relay information to them. Staff explained the need to take the time to understand the needs of victims and respond to those appropriately.

CHAPTER 6: THE EXPERIENCES OF VICTIMS AND THEIR SUPPORTERS

- 6.1 Inspectors met with people who worked for a range of stakeholder organisations who advocate on behalf of older people in Northern Ireland. These organisations were able to provide an insight into the impact of crime and the fear of crime on vulnerable older people as well as identifying the often complex nature of the types of crimes vulnerable older people experience. Their accounts suggested that in many situations the vulnerabilities experienced by older people, or the views and presumptions about them, reduced the likelihood of individuals or family members from seeking a justice outcome.
- 6.2 Inspectors also met with organisations who had supported vulnerable older victims in their journey through the criminal justice system. Acting as gatekeepers, these organisations provided Inspectors with the opportunity to speak with people who had become the victim of crime in later life and who had personal experience of the criminal justice system. While not representative of all vulnerable older victims of crime nor representative of all crime types experienced by vulnerable older people, Inspectors gained important personal insights into how the criminal justice system in Northern Ireland approaches vulnerable older victims.

ENGAGEMENT AND SUPPORT

- 6.3 Victims' groups and stakeholder organisations reported positive direct engagement with the Police Service on issues relating to vulnerable older people. This typically took the form of proactive engagement relating to crime prevention and personal safety. These organisations and their members spoke at length about the impact of the fear of crime and the important role of information provision and crime prevention from trusted sources. For many older people and, in particular, vulnerable older people, the fear of crime can impact confidence levels and personal independence. This can have significant implications for the health and wellbeing of vulnerable older people. Inspectors were told about older people who refused to have mobility aids erected on the outside of their homes, despite their need, because of a fear that it made them easily identifiable. The stakeholder organisations therefore greatly welcomed the opportunity to engage with police in a proactive manner. Stakeholders spoke highly of recent engagement events including an outreach event attended by the Chief Constable as well as an awareness raising event on scams attended by a Police Chief Superintendent. Inspectors were also informed about Police Service attendance at local church and community group events where Police Officers were available to provide crime prevention advice.

- 6.4 However, stakeholder organisations reported that more engagement was needed. They voiced concerns that only those older people who were inclined to, or who were able to, attend such group events were able to benefit from the information provided. The older people Inspectors spoke with stated that more needed to be done to reach out to other, perhaps more vulnerable, older people including those who are housebound. There was broad agreement that this required a proactive approach to engagement as technological solutions were unlikely to be of use. The group put forward suggestions including the continued use of more traditional forms of communication including local newspapers, radio and television, as well as leaflet drops and the potential for crime prevention leaflets to be added to shopping bags or to chemist collections and deliveries.
- 6.5 Although proactive engagement with the Police Service was well received by the various stakeholder organisations, concerns were raised about signposting to appropriate support organisations post-incident. Victim Support NI advised CJI that of just over 50,000 referrals received in 2022-23, 7% related to victims aged 65 years or older including 99 of whom were 90 years and older. Criminal damage, fraud and violence accounted for 75% of the referrals.
- 6.6 Inspectors were told that typically vulnerable older victims of crime were referred to Victim Support NI, however limited assistance was sought from specialist organisations. For example, despite the complex nature of crimes of elder abuse and the significant impact these crimes can have, the specialist elder abuse support organisation in Northern Ireland, Hourglass, reported a very low referral rate from the Police Service. Other specialist organisations including Dementia NI and the Alzheimer's Society also reported very few referrals relating to criminal incidents, however there was an acknowledgement from these organisations that this was possibly a reflection of the reduced likelihood of the vulnerable older people in their care, or their family members, seeking a criminal justice outcome.
- 6.7 Inspectors also heard from stakeholder organisations about a perceived lack of awareness by criminal justice agencies of the broad nature of crimes experienced by vulnerable older people and of the scale of the impact of these crimes. Concerns were also raised about a lack of understanding of the vulnerabilities which can be experienced by older people, with particular reference to vulnerabilities such as Alzheimer's disease and other forms of dementia. However, there was a general sense that specialist Officers (those working in public protection and in safeguarding roles) had a greater awareness of these issues due to the nature of their roles and the role specific training they received.
- 6.8 For many of the stakeholder organisations there was a feeling that the needs of older victims were simply not being considered and therefore vulnerabilities were not fully understood from the point of entry to the criminal justice system. Inspectors were told that criminal justice agencies had come a long way in considering the needs of younger victims of crime, but older victims were not

considered in the same way. This was strongly connected with the issue of delay across the system, with an acknowledgement from stakeholder organisations that the needs of vulnerable older victims may change considerably from the time of a criminal incident to the conclusion of the case. It was therefore deemed imperative that a full and thorough needs assessment was conducted and that this remained a 'live' document throughout the course of the case.

FIRST RESPONSE AND INVESTIGATION

- 6.9 Inspectors heard that where incidents were reported to the police, the initial police response from frontline Police Officers was generally positive. Reflections on the investigative process were more mixed and delays were referenced as a common concern.
- 6.10 An issue was raised about the visibility of ageing within the Police Service, with one older person's group reporting that they would find it beneficial to have older Police Officers who may be better placed to engage with older victims of crime. There was a general perception from this group that most frontline Police Officers were very young.
- 6.11 Stakeholder organisations and victims' groups reported on the under-utilisation of Registered Intermediaries for vulnerable older victims during police investigations and when giving evidence in Court. Concerns were raised with Inspectors that the onus is often placed on the victim to request assistance, rather than individual needs being identified by criminal justice agencies and appropriate assistance put in place on their behalf. Comparisons were drawn between the increased likelihood of measures such as the use of Registered Intermediaries being used for younger victims, with less cognisance given to the needs of vulnerable older victims.
- 6.12 While the victims' groups and the advocacy organisations were aware of the *Victim Charter* and the entitlements contained within it, the older people Inspectors spoke with had no awareness of it. This includes those older people who reported that they had been the victim of a crime. Irrespective of this lack of awareness, the older victims of crime told Inspectors of their expectations regarding updates from the police about their case. In most cases these updates were not forthcoming and, in one example, an older lady who had been the victim of a burglary reported that she never heard anything further about the case after her initial contact with the police. Having learnt about the *Victim Charter* from their participation in the inspection, the older people Inspectors spoke with reported their intention to refer to it should the need arise, as a means of ensuring their entitlements as a victim were upheld.

- 6.13 Inspectors were also told about an increase in proactive policing activity in a local area following a report of a break-in. In the immediate aftermath of the incident, Police Officers knocked on every door in the local area to speak with residents and provide advice and reassurance. This was very well received by the local residents and in particular vulnerable older people in the area.
- 6.14 Stakeholder organisations also reported similar accounts of a proactive approach to neighbourhood policing whereby Police Officers engaged directly with residents in homes and areas which were easily identifiable as housing vulnerable older people following a reported incident. This was seen as incredibly important for the safety, security and wellbeing of the residents as well as an opportunity to engage with hard-to-reach individuals. The stakeholder organisations did, however, state that this type of proactive policing would be more beneficial if it was not solely as a reaction to a reported incident, but as part of systematic approach to keeping vulnerable older people safe in their homes. In addition, concerns were raised about the reduced likelihood of such proactive policing responses and the potential for less visible policing patrols as a result of declining Police Officer numbers. Inspectors were told that this has the potential to increase levels of fear and anxiety for vulnerable older people who get a sense of reassurance from seeing police patrols in their areas.

PROSECUTION AND TRIAL

- 6.15 Few individuals spoken to, nor stakeholder organisations, had experience of the response of the PPS. This was, in the main, as cases had not proceeded due to lack of evidence or the withdrawal of the victim or that the case had been dealt with using an adult safeguarding route led by Social Services.
- 6.16 As noted in Chapter 5, stakeholder organisations expressed the view that Courts in Northern Ireland are not designed to support older people with certain vulnerabilities. Accessibility in terms of transport to and from Court was also a point of concern for stakeholder organisations. It was reported that vulnerable older people are less likely to have access to personal transport and therefore rely on public or community-based forms of transport. This could be problematic for long distance journeys and can be complicated by delays and adjournments to Court hearings.
- 6.17 One example was given of an older person having to get up before 6am to get to Court which was a distance away. Inspectors were told that this can impede vulnerable older people from participating in the criminal justice process. Stakeholder organisations stated that a greater use of recorded interviews or live links from Remote Evidence Centres would be beneficial for vulnerable older victims. In addition, there was a call for the pre-trial cross examination pilot to also include vulnerable older people.

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DELAY

- 6.18 The issue of avoidable delay across the Northern Ireland justice system has been a focus within many CJI reports. CJI's most recent inspection in this area¹¹¹ found that the overall time taken to complete cases had increased from 2017 to 2022. The number of days by which 90% of all cases were completed was 511 days in 2017. This had grown to 746 days by 2022. The impact of the lockdowns and public health restrictions implemented in response to the COVID-19 pandemic had obviously had a significant impact on these figures.
- 6.19 The issues causing delay and the problems in addressing them are the same for vulnerable older people as they are for other victims. However, delay and the impact of delay is of particular importance for vulnerable older people. In some circumstances, the extended passage of time may lead to difficulties for vulnerable older people in recalling evidence, with potential implications for their pursuit of justice. In addition, the prolonged stresses and strains associated with participation in the criminal justice system could result in the deterioration of the health of the victim. For many vulnerable older people and their families, this may well be a price they are unwilling to risk paying. Indeed, Inspectors were presented with evidence that the widespread knowledge of delay in the criminal justice system in Northern Ireland was actively acting as a barrier to the reporting of crimes by vulnerable older people and their family members, with one stakeholder stating: *"are you really going to put them through that?"*

PARTICULAR GROUPS

- 6.20 As previously reported, stakeholder organisations alluded to a lack of understanding within the criminal justice system regarding the vulnerabilities which can be experienced by older people, with particular reference to individuals with Alzheimer's disease and other forms of dementia. Concerns were raised that criminal justice agencies typically made assumptions about individuals with cognitive disorders, including a presumption around their capacity to effectively participate in the criminal justice system. These assumptions often centred on the impact of memory loss and the ability of the individual to act as a credible witness. However, Inspectors were told that with over 200 different types of dementia and varying levels of cognitive decline, many dementia sufferers would still make a good witness, providing the appropriate supports were put in place. This fed into broader concerns that the criminal justice system is overly dismissive of vulnerable older victims of crime.

111 CJI, *An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 pandemic, June 2023* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and->

- 6.21 Stakeholder organisations also raised concerns with Inspectors about the ability of Officers, particularly those in frontline and investigative roles, to effectively communicate with individuals who had Alzheimer’s disease or other forms of dementia. Inspectors were told that the communication style of Police Officers was particularly important when dealing with missing persons who have such cognitive disorders.

- 6.22 In terms of good practice, Inspectors heard of Police Officers in the Foyle area who have undertaken training and who engage with dementia friendly community activities to develop their understanding of the conditions and how to communicate with those affected. This produced positive reports of the communication skills of Police Officers in communicating with people with Alzheimer’s disease or other forms of dementia. In addition, Inspectors were told that this increased awareness had fed into priorities in the area, with stakeholder organisations stating that Officers in the Foyle area focus on *“the 3 big D’s: drugs, domestic violence and dementia”*. This provided a great deal of reassurance to the advocacy groups working in the area.

- 6.23 Inspectors were also informed about instances where vulnerable older people who are the victim of certain crime types were prevented from pursuing a criminal justice outcome. As noted in Chapter 3, Inspectors heard of domestic abuse incidents and inter-family disputes which are recorded by the police as a civil matter, rather than a criminal incident. Evidence was presented of an increasing number of incidents which were referred through social services, with no option to pursue a criminal justice route presented. Furthermore, Inspectors were told that some issues which occurred in a care home setting, were dealt with internally by the care home provider, rather than through criminal proceedings. Stakeholder organisations referred to a sense that in many of these circumstances the ‘nanny state’ takes over, and victims are left without the opportunity to pursue justice.

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APPENDIX 1: PROPORTION OF CRIME EXPERIENCED BY OLDER PERSONS BY CRIME TYPE (EXCLUDING FRAUD)*, NORTHERN IRELAND 2022-23

Crime Type		60-64 age group	65+ age group	All ages
Crimes of violence against the person	Violence (with injury)	12%	10%	18%
	Violence (without injury)	22%	17%	24%
Crimes on property	Theft – burglary	6%	9%	3%
	Theft – vehicle offences	5%	4%	3%
	All other theft offences	15%	18%	11%
	Criminal damage	24%	26%	15%
Other crimes	Other crimes against society	2%	1%	1%
	Harassment	14%	14%	18%
	Robbery	1%	1%	5%
	Sexual offences	0%	1%	1%

* Figures relating to fraud and cyber-crime occurring in Northern Ireland are collated by Action Fraud and are provided to Police Service, but these are not disseminated by age.

APPENDIX 2: **METHODOLOGY**

Desktop research and development of inspection Terms of Reference and question areas

Research literature and guidance documentation was reviewed in relation to vulnerable older people. Other relevant documents included DoJ consultations and policy proposals, research reports produced by the COPNI, crime statistic reports and reports from other jurisdictions.

Document review

A review was undertaken of the documentation collated to cross-reference information against the topic areas and later obtained during the fieldwork. This was used also to inform interview questions during the fieldwork phase.

Fieldwork

The fieldwork with the Police Service for this inspection was conducted in tandem with the 2023 PEEL inspection undertaken by HMICFRS, under the vulnerability strand. CJI worked with HMICFRS on developing fieldwork documentation, including areas and question sets and there was a specific focus in this area on age-related vulnerability. Emerging findings discussions were held with HMICFRS and evidence was shared.

One-to-one and focus groups interviews were conducted with a range of personnel within the relevant agencies. Interviews were also conducted with stakeholders from across the age sector. Representatives from the following areas were interviewed during the fieldwork:

Northern Ireland Courts and Tribunals Service:

- Chief Operating Officer.

Probation Board for Northern Ireland:

- Area Manager and staff, Victim Information Unit.

Public Prosecution Service for Northern Ireland:

- Head of Policy and Information Unit and Policy Leads;
- Public Prosecutors;
- Senior Public Prosecutors; and
- Victim and Witness Care Unit staff.

Police Service of Northern Ireland:

- Assistant Chief Constable Crime;
- Assistant Chief Constable Criminal Justice;
- Assistant Chief Constable Local Policing Command;
- Contact Management Centre Urban focus group;
- CID focus group (Belfast and North Area);
- Crime Prevention Officer focus group;
- Detective Chief Superintendent and Senior Management Team, Public Protection Branch;
- Local Policing Team Constables and Sergeants (Belfast, Mid Ulster, Derry City & Strabane);
- Multi-Agency Support Hub staff, Derry City & Strabane;
- Neighbourhood Policing Team Constables and Sergeants (Belfast, Mid Ulster, Derry City & Strabane);
- Public Protection Branch Detective Inspectors, Sergeants and Constables - Belfast, North and South; and
- Superintendent, Strategic Lead for Older People.

Stakeholders:

- Age NI;
- Alzheimer's Society;
- Commissioner for Older People in Northern Ireland;
- Dementia NI;
- Hourglass Northern Ireland;
- Presiding District Judge;
- Commissioner Designate for Victims of Crime in Northern Ireland;
- Victim Support Northern Ireland; and
- Women's Aid Older But No Safer Project Lead.

In addition, CJI Inspectors held focus groups with older people (some of whom had direct experience as a victim of crime) arranged through victim support organisations as follows:

- Age NI Consultative Forum focus group;
- Antrim, Ballymena, Carrickfergus and Newtownabbey Women's Aid Older But No Safer group (Antrim); and
- Dementia NI members.

Case file reviews

PPS

A qualitative review was conducted of prosecution files. Inspectors reviewed 10 cases sent from the Police to the PPS where the victim in the case was aged 60 years and above. A question set was used which focused on how the victim's vulnerabilities were identified and described, needs assessments undertaken and actions arising from these and key dates during the lifetime of the case. The cases related to files completed between 1 August 2022 and 31 January 2023.

APPENDIX 3: TERMS OF REFERENCE

AN INSPECTION OF THE CRIMINAL JUSTICE SYSTEM'S APPROACH TO VULNERABLE OLDER PEOPLE

TERMS OF REFERENCE

Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of the approach of the criminal justice system to vulnerable older people.

The inspection will focus on the three main elements of the CJI inspection framework as they apply to the approach to vulnerable older people as victims of crime; these are strategy and governance, delivery and outcomes.

The main organisations to be inspected will be the Police Service of Northern Ireland (Police Service), the Public Prosecution Service (PPS) and the Northern Ireland Courts and Tribunals Service (NICTS). The inspection will also consider the work of the Probation Board for Northern Ireland (PBNi) which occurs pre-sentencing, for example in relation to Pre-Sentence Reports and the programmes offered at sentencing stage, as well as the work of its Victim Information Scheme. The role of the Department of Justice (DoJ) will be considered where Departmental strategy and policy is relevant to this area. The inspection will review overall criminal justice system response to vulnerable older people abuse including co-operation and partnership working.

This inspection will complement previous thematic inspections that CJI has conducted in considering how different victim groups are dealt with in their journey through the criminal justice system. In 2018 and 2019 respectively CJI published inspections of the handling of cases of sexual violence and abuse and domestic violence and abuse and with follow-up reviews published in 2021. CJI previously undertook inspections in the areas of Adult Safeguarding (published 2015), Child Sexual Exploitation (June 2020) and the Care and Treatment of Victims and Witnesses (July 2020).^{112, 113} Where possible this inspection will avoid duplicating previous work.

There is no statutory definition of a crime against an older person. There is also no consensus across Government departments or third sector organisations about what

112 All available on CJI's website www.cjini.org

113 All available on CJI's website www.cjini.org

age limit constitutes an older person or older people. The United Nations (UN) defines an older person as a person who is over 60 years of age.¹¹⁴ NHS England notes that *'Generally, someone over the age of 65 might be considered an older person. However, it is not easy to apply a strict definition because people can biologically age at different rates so, for example, someone aged 75 may be healthier than someone aged 60. Instead of simply age, 'frailty'¹¹⁵ has a bigger impact on their likelihood to require care and support.'*¹¹⁶

The UN has also set out principles for older persons via the General Assembly resolution 46/91.¹¹⁷ The Commissioner for Older People Northern Ireland was established in legislation in 2011 and the Commissioner is required to have regard to these UN Principles.¹¹⁸

CJI will be working with His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) during the fieldwork for this inspection as part of a PEEL inspection of the Police Service (to assess the Police Service's effectiveness, efficiency and legitimacy). The Terms of Reference for the HMICFRS inspection will be issued separately with the outcome of the findings published in a separate report. In order to reduce duplication of effort and the burden of inspection on the Police Service it is intended that CJI and HMICFRS will work jointly during the period of fieldwork within the Police Service to meet the needs of both inspections.

Context

In May 2019 the Commissioner for Older People in Northern Ireland (COPNI) published a report entitled *'Crime and Justice: The Experience of Older People in Northern Ireland'*.¹¹⁹

This noted *'Statistically, in Northern Ireland, older people are less likely to be victims of crime. However, in cases of burglary, criminal damage and theft, older people are just as likely to report being victims of crime as other age groups. Being a victim of crime can exacerbate feelings of emotional, psychological, physical harm and financial loss for older people and so the impact of criminal activity has particular and more severe consequences for them.'* The report noted issues for older people as victims of crime in relation to special measures, Court facilities, avoidable delays, the engagement of older people in the case (hearing their voice) and poorer outcome rates for crimes against older people.

114 See <https://emergency.unhcr.org/entry/43935/older-persons>
 115 Frailty is where someone is less able to cope and recover from accidents, physical illness or other stressful events.
 116 NHS England, *Improving care for older people* available at <https://www.england.nhs.uk/ourwork/clinical-policy/older-people/improving-care-for-older-people/>
 117 UN, *United Nations Principles for Older Persons*, December 1991 available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-principles-older-persons>
 118 See <https://www.legislation.gov.uk/nia/2011/1/section/2>
 119 COPNI, *Crime and Justice: The Experience of Older People in Northern Ireland*, May 2019 available at <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

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In 2018-19, HMICFRS and Her (now His) Majesty’s Crown Prosecution Service Inspectorate conducted a joint inspection across England and Wales of how the police and the Crown Prosecution Service (CPS) respond to crimes against older people. This found that the police had only a “superficial understanding” of the nature and extent of crimes against older people, which often resulted in a poorer service to older victims. It noted that older people accounted for 18% of the population, but over eight out of 10 victims of doorstep scams were elderly, and they also comprised a quarter of domestic homicide victims. Despite this the two Inspectorates found that the police and the CPS lacked any joint cohesive and focused strategy to deal with older victims of crime.

Aims of the Inspection

This inspection aims to examine the approach of the criminal justice system in Northern Ireland to preventing, responding to, investigating and prosecuting offences against vulnerable older people. It will therefore follow the timeline of the ‘victim journey’ through the criminal justice system from the reporting of a potential crime to the conclusion of Court proceedings. The inspection will not seek to examine the manner in which the criminal justice system deals with offenders in prison or upon release into the community.

The focus of this inspection will be on older people aged 60 years and older. Specifically, it will consider how the criminal justice organisations treat those who are older and classed as vulnerable by one or more circumstances, for example previous victims of crime, disability or being significantly supported in their daily life by family, friends or statutory organisations. This therefore is in line with the NHS England explanation above about ‘frailty’ being more important than purely age. This inspection will not include adults who are deemed to be vulnerable (for example adults in need of protection due to disability who are aged below 60 years of age) and will not inspect in detail the arrangements for adult safeguarding.

The broad aims of the Inspection are to:

- examine the effectiveness of organisational strategies with regard to offences against vulnerable older people, including the approach to prevention and enforcement;
- examine the response to vulnerable older people - how operational delivery is structured to meet the needs and expectations of stakeholders and victims. To determine effectiveness and potential areas for improvement;
- examine and assess the outcomes of strategies and delivery mechanisms offences against vulnerable older people against targets and expectations;
- examine management information and the performance of the criminal justice agencies in addressing offences against vulnerable older people; and
- examine how the above aspects of the approach to offences against vulnerable older people benchmarked against good practice.

Methodology

The inspection will be based on the CJI Inspection Framework for each inspection that it conducts. The three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. The CJI inspection methodology can be found at www.cjini.org.

Design and Planning

Preliminary research

Data and initial information have been reviewed in order to inform the scope of this inspection.

Benchmarking, research and data collection

Collection of benchmarking information and data, where available, from other jurisdictions and sectors in Northern Ireland and a review of inspection and research reports will be undertaken.

Contact with agencies

Terms of reference will be prepared and shared with the DoJ, the Police Service, the PPS, the NICTS and the PBNI prior to the initiation of the inspection. Liaison officers from the organisations should be nominated for the purposes of this inspection.

Policies and procedures, management information, minutes of meetings and related documentation from the inspected organisations will be requested and reviewed.

Delivery

Stakeholder consultation

The following stakeholder organisations will be consulted:

- Age NI;
- Alzheimer's Society NI;
- Dementia NI;
- Hourglass Northern Ireland;
- Commissioner Designate for Victims of Crime;
- Commissioner for Older People for Northern Ireland; and
- Victim Support NI.

CJI will seek assistance from stakeholder organisations who work with older people to seek the views of older people who have been victims of crime.

Development of fieldwork plan

CJI will liaise with the inspection liaison points of contact in each organisation to arrange a series of meetings and focus groups with relevant individuals within the DoJ, the Police Service, the PPS, the NICTS and the PBNI. The majority of the fieldwork within the Police Service will be undertaken jointly with HMICFRS during their PEEL inspection fieldwork.

Case file reviews of the Police Service and the PPS will be undertaken during the fieldwork. The reviews of police files will be undertaken as part of the joint fieldwork with HMICFRS.

Initial feedback to agency

On conclusion of the fieldwork the evidence will be collated, triangulated and analysed and emerging recommendations will be developed. CJI will then present the findings to appropriate organisations.

Drafting of report

Following completion of the fieldwork and analysis of data a draft report will be shared with the inspected bodies for factual accuracy check. The Chief Inspector will invite the inspected bodies to complete an action plan within six weeks to address the recommendations and if the plan has been agreed and is available it will be published as part of the final inspection report. The inspection report will be shared, under embargo, in advance of the publication date with the inspected bodies.

Publication and Closure

A report will be sent to the Minister of Justice, or in their absence the Permanent Secretary, for permission to publish. When permission is received the report will be finalised for publication. A press release will be drafted and shared with the inspected agencies prior to publication and release. A publication date will be agreed and the report will be issued.

Indicative Timetable

Scoping/Research: October-November 2022.

Stakeholder consultation: November 2022-January 2023.

Agency fieldwork: January-March 2023.

Draft Report to agencies: May 2023.

Factual accuracy feedback received: June 2023.

The above timetable may be impacted by factors outside CJI's control. The inspected organisations will be kept advised of any significant changes to the indicative timetable.



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