# Conference Spece States of the second states of the

Criminal Justice Inspection Northern Ireland a better justice system for all



## Welcome from the Chief Inspector

I am delighted to welcome you to this special edition of *The Spec* dedicated to CJI's 2009 Stakeholder Conference.

**Conference Spec** 

The introduction of devolved policing and justice in Northern Ireland will mean an entirely new phase in the development of the criminal justice system here. That is why I was keen to continue with this theme for our sixth conference held at the La Mon Hotel on 27 January.

I would firstly like to thank the speakers for their thought provoking and insightful contributions. Thanks also go to the 160-plus delegates who attended this year's conference for their enthusiastic participation on the day.

The conference agenda focused on the strategic challenges facing justice organisations, gave an insight into the development of policing and justice issues elsewhere, and a perspective on the delivery of justice and policing within a structure of enhanced local accountability.

A key message to emerge from the conference was that change will be a constant for all organisations involved in the delivery of justice 'services'. There is less likely to be acceptance of the status quo as local Ministers focus on making a difference to the people of Northern Ireland. This means an increasing challenge to think differently, be innovative, and to adapt to a very different accountability environment.

The justice 'system' will also increasingly focus on how organisations work together to deliver services more effectively.. and how it can deliver more with less.

Criminal Justice Inspection was once again, pleased to host an event which provides a unique opportunity to bring together participants from across the justice organisations to reflect and comment on the issues we face.

For those who were present on the day, we hope you find this special edition of *The Spec* a useful reference document during the next 12 months. And for those readers who were not present at the 2009 Conference, we hope this publication gives you a flavour of the issues that were raised and the discussion that took place.

#### **Dr Michael Maguire**

Chief Inspector of Criminal Justice in Northern Ireland

### Contents 3

- Dr Michael Maguire gives his first speech as Chief Inspector.
- 5 Quotes of the day.
- 6 Criminal Justice Minister Paul Goggins MP speaks of the challenges of change.
- 9 The Prison Service of the future Mike Conway, director of the privately operated Peterborough Prison gives his views.
- **12** Meeting the needs of victims and witnesses Susan Reid, Chief Executive, Victim Support Northern Ireland.
- **16** Making a devolution difference Bruce Robinson, Head of the Northern Ireland Civil Service.

- 18 Reducing Bureaucracy Advocate Jan Berry looks at reducing bureaucracy in the criminal justice system.
- **20** Group discussion feedback to conference.
- 22 The reality of local accountability Seán Aylward, Secretary General, Department of Justice, Equality and Law Reform, Dublin.
- 24 Willie McAuley, Policy and Strategy Coordinator with PPANI discusses the realities of public protection in Northern Ireland.
- **26** CJI Draft Inspection Programme unveiled for 2009-12.

## Dr Michael Maguire

Criminal Justice Inspect Northern Irela

**Conference Spec** 



"The introduction of devolved policing and justice in Northern Ireland will mean an entirely new phase in the development of the justice system here" Dr Michael Maguire.

Chief Inspector Dr Michael Maguire gives his keynote address to the 2009 CJI Stakeholder Conference.

# Devolution will present new challenges and opportunities says Chief Inspector

he Chief Inspector of Criminal Justice in Northern Ireland, Dr Michael Maguire, focused on the opportunities and challenges the devolution of policing and justice matters will bring during his speech to this year's CJI Stakeholder Conference.

Dr Maguire opened his first conference as Chief Inspector by highlighting the potential for change which devolution could bring about.

"The introduction of devolved policing and justice in Northern Ireland will mean an entirely new phase in the development of the justice system here.

"Whether this is perceived as an opportunity or a threat I think, depends entirely on where you stand in the debate. For me, it is an opportunity because it will change the dynamic, the context and focus for the justice agencies," he said.

"This can, and I think will, build a platform upon which the future justice system can be built," he continued.

#### **Future agenda**

Addressing a packed auditorium, which included senior figures from the various criminal justice agencies and representatives of the voluntary and community sector, Dr Maguire asked the audience to consider what could influence the future agenda.

Part of the agenda, he said could be driven by the 'goldfish bowl of political accountability', that will inevitably lead to new pressures and challenges for organisations.

Dr Maguire also alluded to the possibility that as Northern Ireland's justice system moved forward, there would be no automatic attachment to the policies and procedures of direct rule, which would lead to greater local accountability.

"Greater accountability for me will inevitably lead to greater questioning of the way things are done, and less acceptance of the way things have been done," said Northern Ireland's Chief Inspector of Criminal Justice.

In his keynote speech, Dr Maguire indicated that the history of Northern Ireland and the Troubles could not be allowed to dominate or limit progress in the future - especially in relation to the development of new approaches, or new improved ways of delivering services.

Looking across the justice system he drew attention to the historical allocation of resources designed to meet particular needs at a particular time, which had often, not kept pace with changing demands, and had inhibited the flexibility of the various agencies and organisations.

The Chief Inspector went on to highlight the tendency for additional demands to herald a call for additional resources, without first challenging the current way of doing things to see if improvements could be made.

And he stressed the need for existing behaviours and cultures to change.

#### The Past

"As we move forward, I think it is right that we continue to challenge the legacy of the past, and the role that it plays in determining how services are delivered today, and in the future," said Dr Maguire.

"This can be whether it relates to the funds available for community policing, prison reform or the resources given for the resettlement and rehabilitation of offenders," he declared.

Dr Maguire continued: "We cannot have justice that is resourced for the past and expect it to deliver against community expectations for the future.

"To do so," he warned, "will not build a justice system that everyone can have confidence in."



Dr Maguire also reflected in his inaugural speech, on the changes that had already occurred within the criminal justice system, as well as looking to the future and the need for organisations to change to meet forthcoming challenges.

"It is interesting to read the Criminal Justice Review 2000 to reflect on how much the system has moved forward and the work that we have done," said Dr Maguire.

"Looking back over the reports that CJI has [done] over the past numbers of years, we have found many examples of organisations that are open, flexible, adaptable, outcome focused, provide value for money, and have had the capacity to change and develop.

"So... there is much that has been done, but there is also much more to do," said Dr Maguire.

#### **Reflecting local wishes**

The introduction of devolved government the Chief Inspector stated, would provide much greater accountability and the articulation of a local voice in the delivery of justice services here.

"Looking to the future means building a justice system that reflects the wishes and demands of a local population, at a price that we in society, are prepared to pay."

In conclusion, Dr Maguire said that the organisations that anticipate change rather than have it thrust upon them, were the most successful.

"The justice system here has shown the capacity for substantive and meaningful change over the past 10 years. This is a positive platform upon which we can continue to improve," he said.

# QUOTES OF THE DAY



Speakers who examined the new opportunities that devolution could present for Northern Ireland at CJI's Stakeholder Conference were (l-r) Mike Conway, Dr Michael Maguire, Susan Reid, Jan Berry, Seán Aylward and Willie McAuley. Absent from photo is Bruce Robinson.

**Conference Spec** 

"I have no doubt that the devolution of responsibility for criminal justice matters will indeed bring new opportunities... and they should be grasped with enthusiasm" Seán Aylward, Secretary General, Dept. of Justice, Equality and Law Reform.

"What do victims need? The short answer is a system which is focused on their needs and resourced to be able to respond to those needs in a timely fashion" Susan Reid, Chief Executive, Victim Support NI.

"The other thing that fragmentation of the police service has caused is how we have deskilled the whole workforce. I think one of the causes of bureaucracy is the performance culture" Jan Berry, Reducing Bureaucracy Advocate.

"It is important to keep insisting... that victims and witnesses are at the heart of the criminal justice

process" Paul Goggins MP, Minister for Criminal Justice. "It's interesting to read the Criminal Justice Review 2000 to reflect on how much the system has moved forward and the work that we have done" Dr Michael Maguire, Chief Inspector, CJI.

"The criminal justice system does not provide the solution and alone cannot ever provide the solution to either sexual offences or violent offences" Willie McAuley, Policy and Strategy Co-ordinator, PPANI.

"I am particularly interested in the emphasis you [CJI] are giving on efficiency and effectiveness, and I think that is perhaps a new ingredient which will challenge all of us in quite an important way" Paul Goggins MP, Minister for Criminal Justice. "One of the key changes for us as civil servants with devolution and with the local institutions, is quite simply, the amount of time that we will be spending with the structures as a result of local scrutiny" Bruce Robinson, Head of NICS.

# Minister

highlights challenges of change

n a break from the norm, Paul Goggins MP gave delegates an insight into the conversation he would have with his successor, as he handed over the reins of responsibility to a new, locally-elected Minister for Justice.

"The first thing I would say in that conversation is value the fact that some of the key outcomes of the criminal justice system in Northern Ireland are actually quite encouraging," said Mr Goggins.

"You will not want to be complacent of course and you will want to drive further improvements, but crime fell by 10% last year and is currently around two-thirds of the level of crime in England and Wales.

"Re-offending rates [here], whether the offender's been in prison or on probation, are actually better than reoffending rates that you would find in England and Wales. So, no complacency, but these are really important outcomes that need to be valued and built upon," said the Minster.

In what could be his last address as a Northern Ireland Minister to CJI's Stakeholder Conference, Mr Goggins flagged the progress made in the criminal justice system over recent years. Criminal Justice Minister Paul Goggir MP addresses conference

Criminal

a better ju

This included:

- developments in the Youth Justice system;
- advances in developing a strategy to deal with the needs of victims and witnesses;
- the successful reformation of, and increased levels of public confidence in the Police Service;
- the valuable work being carried out by the Probation Board, and Public Prosecution Service;
- in-roads made in co-operation in dealing with crossborder crime; and
- the introduction of new legislation to deal with issues such as automatic 50% remission and the option of indeterminate and extended sentences for dangerous and serious offenders.

#### Challenges

Mr Goggins indicated he would also use this conversation to make his successor aware of the variety of challenges they would now face.

"The Prison Service is one which faces many challenges... I think you will find the Prison Service willing to take on the day-to-day challenges, but interested too, in looking at new ways of working.



"Getting the balance right between diversion from custody and those who should not and do not need to be in prison, whilst making sure that those who are dangerous and need to be there, are able to be contained in prison and work within a prison for longer," he indicated, would be one of those challenges.

Preparing for the impact of continual change would also be an issue as "change is constant, and anyone who denies that is burying their head in the sand," the current Minister added.

"I would advise the new Minister to be prepared for a rollercoaster ride, where they will be asked to make judgements and make assessments, and to change course and to change policy, as things develop and as things move forward," he stated.

Mr Goggins also emphasised the additional pressure being 'locally accountable' would bring for his replacement.

"Sometimes, and particularly in the face of public scrutiny, you will need to decide to do the right thing rather than the popular thing. Of course, it's perhaps a bit easier for a direct rule Minister to do what they think is right, rather than the popular thing because they do not need to get votes in Northern Ireland. But, whoever

### Conference Spec

"In the face of public scrutiny, you will need to decide to do the right thing rather than the popular thing" Paul Goggins MP.

Koulla Yiasouma from Include Youth (left) chats with PBNI representative Gillian Shaw



Paul Mageean, Director of the Graduate School of Professional Legal Education, University of Ulster and Stephen Wooler, Chief Inspector with HMCPSI



"Some of the key outcomes of the Criminal Justice System in Northern Ireland are actually quite encouraging, certainly compared to outcomes elsewhere in the United Kingdom" Paul Goggins MP

the new Minister is, this will become more and more of an issue," he added.

#### Issues

As he continued to outline the content of his hand-over conversation, the incumbent Criminal Justice Minister indicated there were some specific issues he would be raising with his successor.

Mr Goggins said: "The new Minister I would stress, needs to deal with delay in the criminal justice system.... and in relation to that, I think we need to explore ways in which the police and public prosecution service can work more flexibly together.

"And the need to change the culture in prisons is a very pressing issue, and one which Robin Masefield and his colleagues know and are absolutely committed to bring into place."

Mr Goggins said he would also raise the need for the Prison Service of the future not to be judged as it has been in the past - on whether it can keep people in a secure setting - but instead on how well it deals with the most vulnerable prisoners, with those with mental health needs and problems of that kind.

"It will also be judged on how well prison officers adapt to a new role of intervening in peoples lives; of being role models; of being active agents of change, perhaps in a way they were not required to be in the past."

He continued: "I would also mention the need to make sure the Probation Board is fully joined up with the Prison Service, to provide an end to end offender management system rather than two separate systems."

In conclusion, Mr Goggins said in his final comments to the new Minister he would reflect on his own experience.

"My experience is that all the agencies that operate in the criminal justice system have been through an enormous process of change. And in doing so, they have developed a track record of delivery which is giving you those key outcomes of lower crime and lower offending rates."



Criminal Justice Inspection Northern Ireland o better Justice system for all

Correct culture and clarity of purpose needed at the heart of all prison services

Mike Conway, director of the privately operated Peterborough Prison

he Director of the privately-operated Peterborough Prison spoke of the importance of securing the correct culture and clarity of purpose within the prison system, during his speech.

Mike Conway spent over 25 years working within public sector prisons in England before moving across to the private sector to open, and run Peterborough Prison in 2004.

Securing the correct culture within a prison was, he said, the key to enabling prisons to deliver what they're supposed to deliver – public protection coupled with the rehabilitation of offenders.

"I have struggled a lot in the prisons in which I have worked in the public sector to actually do that and to get the buy-in from staff and the buy-in from prisoners," said Mr Conway.

"The culture needs to be delivery focused and to be delivery focused, you have to be driven by a collective purpose, so we come back to 'buy-in;' how you achieve this and ensure the right measures are in place."

Having the wrong measures in place as key performance targets, Mr Conway said simply served to drive the wrong behaviour. "Getting the measures right is critical to this process, and [responsibility for] that doesn't rest with the individual prison governors, it rests with the organisation.

"We have to look at preventing the next victim, because that's what we're in the business to do, and we have a responsibility to ensure that the people that we discharge into the community are not going to create further victims," he warned.

#### Population differences

Reflecting on the realities of the situation, Mr Conway drew attention to the cost per prisoner place for the current prison population of 83,000 people in England and Wales.

"Imprisonment is very, very expensive with the annual cost of imprisonment running at £37,000 per prisoner.

"We have within our prison population, offenders with varying needs that present varying challenges.



"We have to look at preventing the next victim, because that's what we're in the business to do." **Mike Conway** 





Discussing the issues in the prison service are (l-r) Austin Treacy, Govenor Hydebank Wood YOC, Tom McGonigle, CJI and Mike Conway, director of Peterborough Prison

> "Recent research has shown that two-thirds of our population could be diagnosed as mentally ill under the 1983 Mental Health Act, with at least two diagnosable mental illnesses," continued Mr Conway.

"The average reading and writing age is 9-11 years which masks high levels of total illiteracy," he said, adding that there were difficulties presented by high levels of substance abuse among two-thirds of the prison population.

"We also know that imprisonment harms and if we do not do anything positive with somebody [in prison], they are likely to go out worse than when they came in."

Deputy Chief Inspector Brendan McGuigan and Debbie Donnelly, Acting Chief Executive, Northern Ireland Policing Board

#### Purpose

The Peterborough Prison director went on to stress that a growing body of research existed which showed that targeted interventions within prison could actually reduce re-offending.

"With this in mind, we need to have clarity about what is the purpose of our prisons and what are we there to do?" said Mr Conway.

"Our first purpose is obviously public protection – we are tasked by the courts to keep people in prison until the end of their sentences. But with 83,000 prisoners in England and Wales of which only 25 people are never going to be released, the rest are going to come out into society.



"It is therefore a no-brainer to think that the purpose of prison is not also about preventing future victims.

"In this day and age, we have to provide value for money and we need to look at the opportunities for international learning and empirical research. We know the problems, we know the solutions but, we are all struggling to deliver," he said.

#### **Buy-in**

In terms of bringing the elements of public protection, value for money and preventing the next victim together, Mr Conway said it again was necessary to secure buy-in from everyone.

This in reality means securing buy-in from politicians, the public, prison staff and prisoners alongside Inspectors, other stakeholders and representatives from the voluntary sector.

Referring once again to the practices operated in Peterborough Prison - which caters for the needs of a mixed male and female population of over 1000 prisoners held in separate facilities located on a shared site - Mr Conway said buy-in was secured through the principles of respect, rights and responsibilities.



**Conference Spec** 

Dawn Purvis MLA listens to the discussion

"We have to respect prisoners as human beings. If we don't, they won't learn to respect themselves. If they don't learn to respect themselves, they don't respect others and are going to commit offences on release."

He continued: "We must also recognise that prisoners have rights as human beings. They have the right to live safely within the prison. We have a duty to make this happen but, with rights come responsibilities.

"They have the responsibility to participate in that environment and recognise the choices that led them into prison were their choices – not somebody else's fault," he said.

In conclusion, Mr Conway stressed the need for connectivity with the community to be established.

"With the kind of pressures and challenges we are under, presented by the nature of our prison population, no prison service can do it alone. We need everybody's help and we need to be connected to the community.

"We take our prisoners from the community and they go back to the community, so we need the community helping us," he stated.



# System wide approach required to meet needs of victims and witnesses



he Chief Executive of Victim Support Northern Ireland Ms Susan Reid challenged stakeholders from across the criminal justice system to place the needs of victims and witnesses at the core of their work when she took to the conference stage.

Ms Reid indicated this was about putting in place a system that deals with their individual requirements from design to delivery.

"We need a system that sees and deals with victims not as a crime category or a law broken, but as a person who has been harmed," she said.

"The key questions that need to be asked and addressed are what really happened? Who has suffered? Where are the needs and how can they be met?" the head of Victim Support explained.

The needs of victims, she added, would best be met by a holistic whole system approach rather than a system consisting of a number of separate measures.

"We need an integrated system of measures comprising for example, on-going information for victims about the progress of their case, continuous threat and risk assessments, active crime investigation management, active co-operation with other authorities and voluntary organisations," said Ms Reid.

She continued: "Supporting victims must eventually become a natural element in all police duties and the roles of all staff across the criminal justice system and beyond."

Susan Reid talks about what victims and witnesses need from the criminal justice system

# Conference Spec 13 Criminal Justice Inspection orthern Ireland e system for all

Dr Michael Maguire (centre) pictured with Susan Reid and Seán Aylward, two of the speakers who addressed the conference





Robin Masefield, Director General Northern Ireland Prison Service chats with Chief Equality Commissioner Bob Collins

Susan Reid.

#### Themes

Reflecting on developments which had already occurred, Ms Reid referred to the five strands of the Bridging the Gap strategy launched by Government in 2007, which was designed to place victims at the heart of the criminal justice system.

"The first theme [in the strategy] is access to information. An interactive website has been launched but the information is generic. It does not provide a victim or witness with information on what is happening in their particular case.

"The second aspect of the strategy is keeping victims" and witnesses informed. This in my opinion, is the area most in need of radical reform, but which has seen the least tangible improvement," said Ms Reid.

Victims, she indicated, needed to be seen by those working within the system as more than just another piece of bureaucracy, another administrative task and another form to complete.

Ms Reid also raised the need for a quality service to be developed which could be measured in terms of corporate accountability and through measurable performance.



Delegates prepare to discuss the challenges facing the criminal justice system



14

Jenny Passmore, PSNI, chats with CJI's James Corrigan during a break

And she stressed the need for all victims or witnesses affected by crime to be supported equally. Support, she said, needed to be available and accessible to all, not just for some.

"Supporting victims should be about more than being nice to them," stated the Chief Executive of Victim Support Northern Ireland.

"Supporting victims should be more than an add-on to the existing system – it must be intrinsic to the whole criminal justice system."

And it must also recognise that the processes of accessing whether the rule of law had been broken, was not the total answer to the needs of a person harmed by crime.

"We must prevent further harm being caused by the system itself," stated the Chief Executive of Victim Support.

In conclusion, Ms Reid stressed again the need for victims and witnesses to be listened to.

"There is a need to orientate the whole system to be victim focused" Susan Reid.

"Victim Support would argue that putting victims at the heart of the system means putting awareness of victim's needs as core learning for every member of staff who will have contact with somebody hurt by crime.

"We are not saying the system should be victim led... but by shifting to view of how things are organised from the victim's perspective, we do well to remember on whose behalf the system acts," she concluded.

Criminal Justice Inspection Northern Ireland a Detter justice system for all

# 'Making a devolution difference'

Bruce Robinson, Head of the NICS

16

Bruce Robinson, head of the Northern Ireland Civil Service, chose to highlight the desire within Government for devolution to make a difference during his remarks.

Mr Robinson began by referring to his experience to date in dealing with locally-accountable Ministers.

"They are exceptionally interested and concerned with making a difference. Ministers and the Deputy First Minister are talking about making a 'devolution difference' and it is important to bear this in mind," he said.

One of the key areas where differences can be seen between devolution and direct rule, he indicated, was in the operation of the various Assembly Committees.

"The powers of the Committee and the importance of the Committee chairs are such that they do represent a key element of the new institutions," explained Mr Robinson.

"It is interesting that having worked with three or four devolved Ministers in my time, that each of them placed considerable emphasis on the relationship with the



"It is very evident to all of us that looking at the policy proposals, our Ministers really do want to see lateral thinking by all of us" Bruce Robinson.

Committee, and the relationship with the chair of the Committee.

"One of the key changes for us as civil servants," Mr Robinson continued, "with devolution and local institutions, is the amount of interaction and the amount of time we are spending with the structures as a result of local scrutiny."

The Programme for Government which was completed in 2008 Mr Robinson indicated was an important achievement, as it allowed Ministers and the Executive to set out what their priorities were going to be.

"[It] encompassed both PSA (Public Service Agreements) and the signing of agreements from all the



"Ministers are looking for a step change in quality... in the service we deliver to the citizen" Bruce Robinson.

departments on the delivery and completion of budgets. Another important part of that work was creating some prioritisation around the key issues from the perspective of each Minister," he remarked.

Ministers were, he said, under the Ministerial Code, required to achieve consensus wherever possible in relation to Executive matters, and to support and act in accordance with all decisions of the Executive Committee and the Assembly.

Yet, Mr Robinson said, it was evident Ministers also wanted to see lateral thinking from officials.

"We have Ministers wanting to benchmark, to look at and understand the relevance of policies elsewhere and their possible potential relevance to us [in Northern Ireland]," said Mr Robinson.

"Ministers are looking for a step-change in quality... in the service we deliver to the citizen," he continued, adding that the reform agenda, as far as the Northern Ireland Civil Service was concerned, was based around citizen expectation and the delivery of better services.

"There is absolutely no doubt that as civil servants, there is a challenge for us in responding to the increased demands of local Ministers and for political awareness on our part.

"We are also finding the challenge of responding to the citizen to be pretty demanding," he revealed, giving an insight into the level of change being driven forward by devolution.



**Conference Spec** 









# Conference Spec Criminal Justice Inspection Northern Ireland a better justice system for a



Jan Berry, Reducing Bureaucracy Advocate

> ean thinking and the development of co-ordinated and compatible processes, are central to reducing bureaucracy within policing and across the criminal justice system.

> That was the view expressed by Jan Berry, the Independent Reducing Bureaucracy in Policing Advocate during her presentation.

> Ms Berry – who has a life-long background in policing said she had 'dined out' on blaming Government for the state of policing and, on many platforms, had said that nobody in the Home Office understood policing, yet, they were dictating what [police] were going to do all the time.

> "In many respects my bluff was called... but I do believe that as a result of previous bureaucracy champions [in England and Wales] we are now in a better position to do something significant that will make a real difference," Ms Berry told conference delegates.

"Reducing bureaucracy is about all of us taking responsibility for the position we find ourselves in. No matter what level of government you are speaking about or whether it is the PC on the street, the prosecutor, or the probation officer, we all add our own tiers and levels of bureaucracy and it [the system] gets totally jammed," she said.

"This is not about pieces of paper," Ms Berry stressed, "it is about mindset; it is about leadership; about taking responsibility and it is about really understanding what causes bureaucracy."

The key to addressing and reducing unnecessary bureaucracy lay in looking at existing organisational structures and to ensure duplication did not exist. The next stage involved ensuring the systems and processes in places were complimentary, were not in competition with one another, and were compatible.

"We have in England and Wales hundreds of reform programmes going on at the same time. There is, if you like, a congestion of change," she remarked.

In contrast with the complexity of the landscape in England and Wales, Ms Berry said the simplified nature of the criminal justice system in Northern Ireland offered a better chance to get it right.



#### **Holistic approach**

The criminal justice system in Northern Ireland had, she said, the potential to be looked at in a 'holistic manner' in order to establish the real impact processes and change could have, and how effective they could be collectively, rather than as single pieces of work.

"The criminal justice system is a system... and all partners need to compliment one another," she said.

In order to reduce bureaucracy efficiently and effectively, Ms Berry indicated the focus needed to be concentrated in a number of areas.

"The first thing you have to do is sort the processes out. You need to introduce lean thinking. You need to have people take responsibility and you have got to have more complimenting and compatible systems."

She continued: "When things start to work, you have to make sure people know about it and have in place a very clear communications strategy within the police service and also for the public.

## Conference Spec

19

67

"Whilst single pieces of work can look very effective, you only know the real impact that it will have when you look at it holistically" Jan Berry.

"We need to be able to get a narrative together and tell that story, and if it can be done effectively, it would make a difference."

During her comments, Ms Berry also drew attention to

the need for technology to be used effectively and for systems within the various parts of the criminal justice system to be compatible.

"It is extraordinarily difficult to get [all] those systems talking to each other; to compliment each other and be compatible with each other. [But it is] important to exchange the right information so that people have access to the right information at the right time," said the Reducing Bureaucracy Advocate.

#### Key processes

- Accident Recording
- , Call Handing
- Crime & Incident Recording
- Custody Processes

#### Key presesses cent

- Missing Persons
- National Intelligence of Performance & Development Re
- Accredita





# Group discussion provides opportunity for voicing opinions

s part of the 2009 Conference CJI encouraged delegates to come face to face with the challenges that devolution may present for the criminal justice system as a whole.

"The idea behind the round table discussion session was to get representatives from the different statutory, voluntary and community sectors talking," explained Dr Michael Maguire.

"We wanted them to move out of their comfort zones and start discussing collectively what success would look like for the whole of the justice system in relation to specific areas, and what needed to be done differently to achieve this," he added.

Each of the table groups were asked to look at the compulsory topic of the treatment of victims and witnesses within the criminal justice system. Groups were then encouraged to choose two of the remaining four areas for discussion.

They were public protection vs. re-offending; the treatment of young people within the criminal justice system; reducing avoidable delay; and efficiency and effectiveness within the criminal justice system.

"Right from the start of the discussion section there was a hum of activity and we were pleased to see the table groups getting down to business," said Dr Maguire.

"Delegates were keen to get to grips with the issues they were being presented with and we were delighted as an Inspectorate, to be in a position to facilitate such valuable and worthwhile discussion," he added.

A short plenary session was held before lunch to allow delegates to gain a flavour of the conversations that had taken place.



Bobby Hunniford, Northern Ireland Law Commission outlines the views of Table 7

#### **Table 7 Feedback**

Bobby Hunniford, from the Northern Ireland Law Commission, was spokesperson for one group selected to feedback to conference. He described success in relation to the treatment of victims and witnesses as identifying and meeting their needs which in turn would reduce complaints coming from that sector.

He went on to add that their table group felt that things could be done differently by opening up and maintaining better communication with groups of victims and witnesses.

They also identified a need for better familiarisation of the courts and potentially better courthouse design as well as the introduction of a one-stop shop for all agencies which victims and witnesses could use as a contact point to gain information.

#### **Table 5 Feedback**

Rachel Tupling from CJI explained that her table group had identified better communication as the key to success for victims and witnesses.

"There needs to be an effective initial response and contact with victims and witnesses. Follow-up updates need to be provided as to the progress of a case so victims can tell their side of the story," she said.

In terms of how things could be done differently, there was agreement with the findings of the first group regarding the need for a designated point for communication of information to victims and witnesses.

#### **Table 17 Feedback**

Another delegate John Warren who provided feedback on the issue of public protection vs. re-offending suggested that success would be financial support for voluntary organisations involved in public protection work coupled with effective use of curfews, monitoring and management for offenders living in the community.

The final group to feedback to conference chose the subject of what success would look like for young people in the criminal justice system.

#### **Table 16 Feedback**

Giving the thoughts of the table group he was part of, Stephen Wooler (Chief Inspector with Her Majesty's Crown Prosecution Service Inspectorate) said they had identified a need to build on the positive work already being done such as in relation to the use of youth conferencing.

A key factor for success in relation to young people he said would be placing a stronger emphasis on preventing young people getting into crime in the first place. For those young people who did become involved in offending, greater recognition of the value for money offered by diversionary opportunities and the need to deal swiftly with any offending behaviour were key elements of success.

Stephen Wooler, Chief Inspector with HMCPSI gives feedback on behalf of delegates at Table 16



Ken Williams Chief Inspector with HMIC makes a point



Prisoner Ombudsman Pauline McCabe also participated in the group discussion.



Dr Bill Lockhart, Chief Executive of the Youth Justice Agency makes a point to fellow delegates during the group discussion.



Criminal Juster



"The Minister can expect to face daily calls for action... often on the foot of the understandable public sentiment that 'something must be done'." Seán Aylward.

Seán Aylward, Secretary General of the Department of Justice, Equality and Law Reform in Dublin prepares to address the 2009 CJI Stakeholder Conference.

> ne of the panel of distinguished speakers invited by the Chief Inspector to share his experience of locally accountable Government structures was Seán Aylward, Secretary General of the Department of Justice, Equality and Law Reform in Dublin.

Mr Aylward began by commenting on the multiplicity of groups which existed in the Republic of Ireland with an interest in criminal justice.

"These voices include officials elected and unelected, Ministers, criminal justice practitioners, law enforcement, legal and judicial professionals, the Prison Service and many non-governmental organisations from the resettlement of offenders to those speaking for victims and witnesses," he said.

He also highlighted the role of the media and the influence they could have in how the public feel, how they felt they were being treated, and how they live.

# The reality of local accountability

"Local accountability in Ireland in terms of policing is a fairly recent concept. For many years we focused on a very centralised system, one which was inherited from the historic rule of the country.

"The ideal of local accountability wasn't very strong," and said Mr Aylward "equally, the ideal of parliamentary scrutiny wasn't very strong in the early years of the State."

Moving forward to the 21st Century however, things are very different.

"In 2008, the Department of Justice, Equality and Law Reform answered some 5,000 Parliamentary Questions. On top of that vast amount of correspondence, which was received and dealt with, we had many Dáil debates and questions in both Houses of the Oireachtas, the Dáil and the Seanad," he said.

Criminal Justice Inspect

Northern In

withce system

23

Looking to Northern Ireland, Mr Aylward noted that the 'power sharing' nature of the Northern Ireland Assembly had not presented any obstacles to robust questioning of the various departmental Ministers.

"I can assure the new Minister of Justice here, whoever he or she may be, in fact I am warning them, they can expect more brickbats than bouquets, regardless of any achievements they may make in office, as they shape the State's response to law and order issues," stated Mr Aylward.

He added that media coverage of crime tended to be dominated by the most egregious of examples, and the most difficult of cases with some elements of the media focusing on the gory and sensational aspects of what were, clearly complex issues and cases.

#### Pressure

"For reasons of genuine concern and sometimes political expediency, the Minister can expect to face daily calls for action by his parliamentary colleagues in the Assembly and from the press, often on the foot of the understandable public sentiment that 'something must be done.'

"That is the nature of politics and there is no point bemoaning it, but what is important is how one reacts to that pressure, to that scrutiny and the inevitable calls for new initiatives and instant legislative solutions that accompany every new day," continued Mr Aylward.

In his speech, the Dublin-based senior Justice Department official urged the future Justice Department in Northern Ireland to avoid short-term thinking, stressing that it was incumbent upon public servants, whether elected or appointed, to take such an approach for the long-term benefit of the people they serve.

"Crime policy cannot be made on the hoof. That is why we are moving in the South to develop a major White Paper on crime over the next two years. The development of that paper, which we do not expect to be completed before summer 2011, will we hope set out a policy framework for the future," said the Secretary General.

#### **Opportunity to contribute**

Mr Aylward explained the process of taking this important piece of work forward would be comprehensive. It would involve a system wide evaluation of Irish society, and in-depth consultation utilising all the various consultative modes available from call centres and websites to public meetings. CJI's Chief Inspector and Sir Alasdair Fraser, Director of the Public Prosecution Service

"In taking this consultative approach and by allowing the public, and everyone with an interest the opportunity to contribute, we hope to develop the right, long-term policies on which to build political consensus in terms of how the criminal justice system will move forward in our jurisdiction," explained Mr Aylward.

Giving an example of the accountability arrangements which had developed within the criminal justice system in the Republic of Ireland, Mr Aylward referred to the Garda Síochána.

The Garda Complaints Board has been replaced with the more robust Garda Síochána Ombudsman Commission with wide-ranging powers and was closely modelled in many respects on the office of the Police Ombudsman for Northern Ireland.

"We also set up the Garda Síochána Inspectorate headed up by Kathy O'Toole, a former member of the Patten Commission ... and through her work we are trying to advance best examples from

other States, so we can look and compare and contrast."

In concluding his remarks, Mr Aylward looked to the future for Northern Ireland.

"I have no doubt the devolution of responsibility for criminal justice matters will bring about new opportunities that should be grasped with enthusiasm," he said, stating that he hoped the opportunities that emerged for dialogue between Ministers and officials both in the North and South, in all the services, voluntary and State, were grasped for the mutual benefit of all.



"I can assure the new Minister of Justice here, whoever he or she may be... they can expect more brickbats than bouquets, regardless of any achievements they may make in office, as they shape the State's response to law and order issues" Seán Aylward.

Criminal Justice Inspection Northern Ireland a better justice system for all

# Effective public protection requires criminal justice system to think outside the box

Willie McAuley Policy and Strategy Co-ordinator, PPANI

> Anaging the risk posed by sexual and violent offenders is, according to Northern Ireland's leading expert in public protection arrangements, about thinking what can be done outside the criminal justice system.

Willie McAuley, Policy and Strategy Co-ordinator for the Public Protection Arrangements Northern Ireland (PPANI), explained to the audience members that the concept of public protection was different from the pathways used in the past in relation to preventing re-offending.

"It's about thinking outside the box and outside the criminal justice arena, and looking at other methods that we can implement to protect the public, without just concentrating on the issue of re-offending," said Mr McAuley.

Current arrangements in Northern Ireland to manage both sexual and violent offenders had developed as a result of a number of cases dating from the 1970's, 80's and 90's, and the findings of a multi-agency working group established in 1997. "Very often, public policy is driven by controversy, and that controversy often comes with huge perceptions of failure in relation to the public sector, and particularly the criminal justice agencies," explained Mr McAuley.

"The horrific murder of Attracta Harron by Trevor Hamilton presented the multi-agency arrangements with such a controversy, and it led to a huge number of false perceptions about what the MASRAM arrangements – the forerunner to the current PPANI arrangements – could do, and were actually about," he reflected.

Since then, Mr McAuley indicated progress had been made around the vital area of multi-agency working.

"While we have seen a huge amount of progress, there are still agencies and departments within Government that it has been difficult to interact with over the last number of years," revealed the PPANI Policy and Strategy Co-ordinator.

The purpose of today's public protection arrangements were, he explained, to protect the public and help those who were most vulnerable in the context of both sexual and violent offending.

**Conference Spec** 

#### Purpose

"It is about protecting people from serious harm, focusing on reducing the opportunity that known offenders have to either commit further offences or, where they have an inclination to commit those offences, to do something in addressing those inclinations," stated Mr McAuley.

Despite the developments that have occurred, he warned that victims of sexual and violent offences were still reluctant to come forward.

"It's believed that about 80% of sexual offending in Northern Ireland is not reported to the police. That statistic is not very helpful... and it is not any great sell for the criminal justice system.



"If 80% of the people children and adults who suffer sexual assault - feel unable to come forward to the criminal justice agencies, we cannot claim any success in relation to

> justice system," said Mr McAuley.

With the unreported figure for violence believed to be

similar, the PPANI spokesman indicated the criminal justice system alone did not, and would not ever provide the solution to either sexual

> or violent offences.

#### Recidivism

Mr McAulev then moved on to look at the public

The public perception is that sex offending is



problematic, sex offenders are hugely recidivous and hugely dangerous.

"In reality, the world average for recidivism in relation to sex offending over a 10-year period runs at about 14%. If you take that statistic, 86% of the sex offending population pose little by way of risk. The secret is about identifying who exactly fits into that 14%," said Mr McAuley.

Violent offending however was much more problematic with recidivism rates over a 10-year period at 46% or higher, which he said presented a situation where a huge number of people who had spent time in prison were likely to return having re-offended.

In order to provide the public with the best public protection arrangements, Mr McAuley said there was a need to target the available resources. And those agencies carrying the heaviest weight - the Police Service, Probation Board, Prison Service and to a certain degree social services - needed to find ways of targeting their resources in the most effective way.

"We have got to identify specific risks. We have got to know what those signs or risks are; what are the factors that raise concerns and raise those risks; and we have to look at what interventions we can impose to address those individual risks," he stated.

In conclusion, Mr McAuley in highlighting the reality of the situation said: "There are finite resources that are available and they are increasingly under pressure.

"Therefore, we have to find ways of delivering public protection arrangements within the budgets that we already have, so we have got to look at not wasting money on people who do not pose a significant risk,' he finished.

# Draft Inspection Programme 2009-12

JI's plans for the next three years were put forward for discussion and comment after the Inspectorate unveiled its proposed inspection programme for 2009-12.

CJI's Deputy Chief Inspector Brendan McGuigan explained to the Stakeholder Conference audience that much of CJI's work would be centred around five key themes.

"With the proposed inspection agenda, the Chief Inspector is keen to consider a more strategic view of the challenges and issues facing the criminal justice system (CJS) and with this in mind we have developed a series of questions around which the agenda can be delivered.

"There are:

- what is the most effective way of dealing with young people within the CJS?;
- how can we reduce avoidable delays across the CJS?;
- have we got the right balance between reducing re-offending and public protection?;
- how do we treat victims and witnesses across the system?; and
- are CJ organisations efficient and effective?," he said.

In order to answer these questions, Mr McGuigan explained that CJI proposes to conduct a range of Inspections over the next three years that can be categorised as:

- criminal justice organisation specific practice inspections (including follow-up work from previous inspections);
- thematic inspections across the CJS;
- reviews of efficiency and effectiveness within the CJS; and
- thematic inspections that include devolved Departments.

The proposed draft inspection programme for 2009-10 and subsequent years which was put to the Stakeholder Conference for consideration is reproduced below.

#### 2009-10 Inspection Programme

Subject to the approval of Ministers, which will be sought in the context of the CJI Corporate and Business Plan, CJI proposes to carry out the following inspections in the incoming financial year.

#### PSNI

- An inspection of PSNI District Training;
- An inspection of Customer Service within PSNI; and
- An inspection of PSNI Public Protection Units.

#### NIPS

- An inspection of NIPS Corporate Governance;
- Inspection of Magilligan Prison; and
- An inspection to assess how vulnerable prisoners are treated.

#### PPS

• An inspection of PPS Corporate Governance.

#### **Thematic Inspections**

- A thematic inspection of court custody facilities and the transportation arrangements for prisoners;
- An inspection of the interface between the PSNI and PPS;
- A review of progress in delivering Causeway;
- A thematic inspection of Avoidable Delay;



"We have developed a series of questions around which the agenda can be delivered." Brendan McGuigan

- A thematic inspection of Youth Diversion;
- A thematic inspection of the Cost of Legal Fees across the CJS; and
- A thematic inspection to assess how the CJS deals with Domestic Violence.

#### Other

- An evaluation of the West Belfast Community Safety Forum;
- Unannounced inspections of the Juvenile Justice Centre,
- Unannounced inspections of Approved Premises; and
- Inspections of the Community-Based Restorative Justice schemes.

#### 2010-11 and 2011-12

During the period 2010-12, CJI currently (and provisionally) proposes to conduct the following inspections:

#### PSNI

- An inspection of PSNI Operational Training;
- An inspection of PSNI Call Management arrangements;
- An inspection of PSNI workforce modernisation;
- An inspection of PSNI Specialist Training;
- An inspection on reducing police bureaucracy; and
- An inspection of PSNI Corporate Governance.

#### NICtS

- An inspection of Legal Services Commission Corporate Governance;
- An inspection to assess the adequacy of the NICtS estate; and
- An inspection of NICtS Corporate Governance.

#### PBNI

• An inspection of Probation Pre-Sentence Reports.

#### NIPS

• Unannounced inspections of prisons.

#### **Parole Commissioners**

• An inspection of Parole Commission Corporate Governance.

#### Thematic Inspections

- An inspection to evaluate the joint PBNI and YJA work with young offenders;
- A thematic inspection of how Victims and Witnesses are dealt with by the CJS;
- A thematic inspection to determine how best practice is shared across the CJS;
- A thematic inspection to determine how the CJS manages demographic change;
- A thematic inspection to assess Youth Offending Interventions;
- A thematic inspection to assess the Business Benefits delivered through Causeway;
- A thematic inspection to assess the effectiveness of CJS Disposals;
- A thematic inspection of Securing Attendance at Court;
- A thematic inspection on Reducing Re-offending; and
- A thematic inspection to assess Co-terminosity across the CJS and other public services.

CJI will, in accordance with the inspection methodology, also be carrying out action plan reviews/follow-up reviews on reported inspections.

#### CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND

14 Great Victoria Street Belfast BT2 7BA **www.cjini.org**