



Department of
Justice

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Research into the criminal justice experiences of young victims

Department of Justice response

June 2018

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Foreword

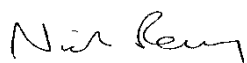
In an ideal world, children and young people would never have to experience the trauma of becoming a victim of crime or have to participate in the criminal justice system in order to access justice. Unfortunately, we do not live in an ideal world. It is, therefore, vital that young victims of crime are supported, helped and treated appropriately as they play their important part in the criminal justice system and engage with criminal justice agencies.

This research is part of a programme of research undertaken as an element of the 2015-2018 victim and witness strategy. Its purpose is to listen to the experience of victims of crime, identify areas where improvements could be made in their treatment within the criminal justice system and for the Department of Justice and criminal justice organisations to take action to address the issues raised. Our desire is that future victims of crime would have a more positive experience in their criminal justice journey.

I know from previous research that it can be difficult for adult victims to tell their story; the impact on children can be even more significant. Therefore, I commend the young people who participated in this research. I want to thank all the victims and their parents/carers who made the effort to share their experiences in the hope of improving the system for others. I can assure you that your willingness and openness to tell your story will make a valuable contribution to improving the experience of others.

The criminal justice system must deliver services at a consistently high standard. Many positive views and experiences were shared as part of this research in the context of how young victims were treated by criminal justice organisations and I am pleased to acknowledge the good work and quality services that are already being delivered. However, there is always room for improvement and the research highlights some areas where improvement needs to be made.

My Department and our criminal justice sector partners will strive to take action to address the issues identified in this research.



Nick Perry
Permanent Secretary

Section 1: Background

1.1 Victim and Witness strategy commitment

- 1.1.1 The victim and witness strategy *Making a Difference*¹, and associated action plans, set out a range of steps to improve the experience of victims and witnesses as they move through the criminal justice system. This included obtaining the views of victims and witnesses about their experience of the criminal justice system, and subsequently using this to review and improve the services that are provided.
- 1.1.2 Research has already been undertaken with families bereaved through murder, manslaughter and culpable road death; victims of domestic violence and abuse; and victims of sexual violence and abuse. These are available on the Department of Justice website².
- 1.1.3 This paper deals with, and responds to the issues raised during research with young victims of crime and their families.
- 1.1.4 At present, the views of a representative sample of victims and witnesses are obtained through the Northern Ireland Victim and Witness Survey (NIVAWS). However, this telephone survey does not apply to certain victims, due to the seriousness of the crime or sensitivities involved. This includes the types of victims that are referred to above. The experiences of young people are also not captured through this process.

1.2 Research programme

- 1.2.1 With this in mind, over the period of the victim and witness strategy and the current three year victim and witness action plan, the Department of Justice has and will continue to listen to the experiences of the victims set out above, as well as seek views more generally through NIVAWS. The research that has been undertaken to date has demonstrated valuable insights into the experience of victims of more violent and sensitive crime types, highlighting commonality between the groups as well as areas in which there have been distinct experiences attributed in part to the specific crime type. While it is hoped that the lessons learnt from the research will benefit future victims of these crime types, it is also evident that the range of issues raised are relevant, and can be applied, to all victims of crime more generally.
- 1.2.2 The research into the experiences of young victims reaffirms the value of hearing and considering the views of all victims of crime, including children and young people who have not been shielded from the impact of crime and

¹ www.justice-ni.gov.uk/publications/victims-and-witnesses-strategy-2013-2018

² www.justice-ni.gov.uk/publications/research-experience-bereaved-families www.justice-ni.gov.uk/articles/research-victims-domestic-abuse-or-violence www.justice-ni.gov.uk/articles/research-victims-sexual-abuse-and-violence

have played their part in the criminal justice system. The Department, along with our criminal justice and voluntary sector partners, will continue to work to ensure that the views of those subjected to crime can be considered and taken account of in reviewing current, and determining future, policy.

1.2.3 This report provides a brief overview of the experiences set out in, and issues raised through, the 21 interviews that were undertaken with 12 young victims of crime (7 female, 5 male), 14 parents (11 mothers and 3 fathers) and one professional with statutory responsibility for a young victim, together with a workshop that was held with staff and volunteers from the NSPCC Young Witness Service (YWS). The report also sets out:

- what changes have been introduced in the period since the cases in hand were dealt with;
- what changes are to be introduced, or are already underway, to take account of the issues raised;
- scoping work that will be carried out to ascertain the potential for further change in the medium term, while taking account of the increasingly restricted financial position that service providers in the criminal justice system are facing and will continue to experience in the coming years; and
- those areas in which greater clarity can be provided to explain the rationale for the way in which the system operates.

1.2.4 Further details on the findings from the research can be found in the research summary paper³ on the Department of Justice website, along with this response paper and associated action plan. The response paper reflects the high level themes that are contained within the summary paper as well as relevant material highlighted in the in depth interviews that were undertaken.

Relevance of the research to victims of crime more generally

1.2.5 While the individuals who participated in this research reflected on the experience of children and young people, it is considered that a number of the findings can beneficially be applied to victims of crime more generally. Other measures will be specific to those who are young victims. Typically, this aligns with the experience reflected in the other research that has been undertaken to date.

1.3 Time period for the research and developments since then

1.3.1 Interviews for the research were conducted during 2016. They involved cases that had largely occurred in 2014 to 2015. Given that changes have been, and will continue to be made to the criminal justice system with a view to improving the services provided to all victims of crime including young

³ <https://www.justice-ni.gov.uk/articles/research-young-victims-crime>

victims, some of these developments should and will help address a number of the issues that have been identified in this research.

Victim and Witness Care Unit

- 1.3.2 A Victim and Witness Care Unit, staffed by the Public Prosecution Service (PPS) and the Police Service of Northern Ireland (PSNI), provides a single point of contact within the criminal justice system for victims and witnesses. The primary role of the Victim and Witness Care Unit is to keep victims and witnesses informed about the progress of the case. A named case officer is appointed to each case and their name and contact details are notified to victims and witnesses. The case officer is the single point of contact from when an investigation file is submitted to the Public Prosecution Service, through to and including the outcome of any court proceedings. Information is provided by the Unit at key points in the process. The Victim and Witness Care Unit also provide three monthly updates to victims in Crown Court cases, typically the most serious cases, where there has been no communication within the previous three months. This occurs whether or not there has been significant progress. Victims and witnesses are also able to contact their case officer should they have any queries or concerns. A victim information portal has also been introduced, enabling notifications to be provided electronically.
- 1.3.3 Some of the cases involved in this research may only have had contact with the Unit within the later stages of the case (the Unit has been in place since May 2014).

Victim and Witness Charters

- 1.3.4 A Victim Charter was placed on a statutory footing in November 2015, accompanied by a range of supplementary documents – including a summary Charter, easy read guide and young person’s guide to the Charter.⁴ The Charter is intended to raise the bar, in terms of the services available to victims of crime, by providing victims with relevant information and clearly setting out what they can expect as they move through the criminal justice system. The Charter sets out:
- what victims can expect when reporting a crime;
 - information that will be provided on a decision to prosecute;
 - what services are available when attending court and giving evidence;
 - how to receive information when an offender is released;
 - information on services to support victims on their journey through the criminal justice system and access to these;
 - how to claim compensation;
 - where to obtain further information if needed;
 - what to do if a victim is not happy with the service that has been provided; and

⁴The Victim Charter and associated documentation can be found at www.justice-ni.gov.uk/publications/victim-charter.

- contact numbers and helplines for victims of some of the more serious crime types such as murder, manslaughter and culpable road death; domestic violence and abuse; sexual violence and abuse; trafficking; and hate crime.

1.3.5 To complement the Charter, a Victim of Crime information leaflet has been available since December 2014. This should be given to all victims of crime by the police (or information provided on where it can be found), setting out information on key stages of the process and highlighting where further information can be obtained. This covers:

- reporting a crime;
- the police investigation;
- support services;
- victim personal statements;
- going to court as a witness;
- restorative justice;
- convictions, sentence, release and supervision of offenders;
- compensation services;
- complaints; and
- entitlements under the Victim Charter.

1.3.6 To ensure the Victim Charter is as accessible as possible, the Department has produced a summary document, an easy read version and a young person's guide to the Victim Charter. A small credit card sized Victim Charter card, setting out key rights and contact details for Victim Support NI, is available at the offices of criminal justice organisations as well as a range of voluntary sector support offices. The card has also been disseminated to a range of other public sector facing bodies.

1.3.7 A Witness Charter⁵ accompanied by a range of supplementary documents – including a summary Charter and easy read guide, setting out the entitlements of, and standards of service for, witnesses of crime was made available at the start of April 2017, on an administrative basis. Similar to the Victim Charter it will be placed on a statutory footing, as soon as the necessary legislative mechanism becomes available.

Serious Crime Unit

1.3.8 On 4 January 2016 the Public Prosecution Service set up a Serious Crime Unit. The Unit deals with a range of the most serious offences including murder / manslaughter, human trafficking, prostitution, female genital mutilation and all sexual offences, both recent and non-recent. The Unit includes a team of ten Senior Public Prosecutors assisted by a Detective Sergeant from the Police appointed as a dedicated PSNI / PPS Liaison Officer for the Unit. Since commencing business, the Serious Crime Unit has provided greater resilience and ensured consistency of approach, has

⁵ www.justice-ni.gov.uk/publications/witness-charter

increased the scope for specialisation and sharing of best practice in relation to the decision making and management of cases and provided enhanced communication with victims.

Sexual and Domestic Violence and Abuse Strategy

- 1.3.9 A seven year 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland' strategy was published in March 2016 by the then Health and Justice Ministers. This strategy is intended to tackle both domestic and sexual violence and abuse, as well as having a society in Northern Ireland in which domestic and sexual violence is not tolerated. A further aim of the strategy is to have effective tailored preventative and responsive services, with victims supported.
- 1.3.10 Action plans for 2016/17 and 2017/18 set out a range of outcomes and actions to be progressed during those years. A three year action plan for 2018/19 is currently being progressed.⁶

Future work

- 1.3.11 In addition to the work already undertaken in recent years, which it is hoped will address some of the concerns of young victims (as well as victims more generally), the research has highlighted a number of areas where specific action is needed. The following sections deal with the key issues raised during the research, the position in relation to these and future actions to be taken forward.

⁶ www.health-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-strategy

Section 2: Issues raised during the research

- 2.1 The research involved interviews with 12 young victims (7 female, 5 male), 14 parents of young victims (11 mothers and 3 fathers) and one professional with statutory responsibility for a young victim, as well as a workshop with staff and volunteers from the NSPCC Young Witness Service. Approximately half of the cases related to sexual offences with the remainder involving physical assault or street robbery. A summary paper on the research can be found on the Department of Justice website.⁷
- 2.2 Overall, the research highlighted very positive feedback in relation to the services provided by the NSPCC Young Witness Service as well as the use of pre-trial visits and the use of video/remote link facilities.
- 2.3 In terms of the police, a range of views were expressed, with the majority of participants providing positive feedback in relation to the professionalism of the police in handling the incidents and taking their statement. Three key factors were identified as impacting on victim satisfaction - continuity of the officer; a supportive attitude; and regular updates. There were some examples of where these elements were not present and resulted in a negative experience.
- 2.4 Views of the Public Prosecution Service were mainly positive. The majority of participants met the prosecutor ahead of the trial and generally this, and the approach of the prosecutors, was found to be helpful. However, issues were raised relating to the prosecutors familiarity of the case, lack of intervention during cross examination and concerns about “deals” being done. There was some positive feedback from those who received updates from the Victim and Witness Care Unit. However, generally there appeared to be a low level of awareness and lack of clarity about its role as a single point of contact.
- 2.5 Comments made in relation to the Northern Ireland Court Service related to the importance of separate facilities and the use of remote link equipment.
- 2.6 Some other areas of concern focused on the treatment by criminal justice professionals (particularly Counsel at court), delays in the system and making a victim personal statement.
- 2.7 The issues raised can be broadly categorised under the following headings:
 - Engagement with, and updates from, the police;
 - Uncertainty about services available and criminal justice processes;
 - Experience at court, including support services;
 - Engagement with Public Prosecution Service (Counsel and Victim and Witness Care Unit);
 - Delay and adjournments;
 - Experience of defence counsel;
 - Victim personal statements;
 - Sentencing;

⁷ <https://www.justice-ni.gov.uk/articles/research-young-victims-crime>

- Victim information schemes; and
- Impact of crime.

2.8 Given that this paper is focused on the response to issues raised, it necessarily focuses on areas which participants had concerns about. However, the paper should be considered in the context of some very positive feedback more generally about the services provided on the journey through the criminal justice system.

Section 3: Department of Justice's position and response

- 3.1 This section looks, in more detail, at the issues raised during the research and sets out the Department's response, making reference, where appropriate, to changes that have been introduced in recent years (or are scheduled to be introduced in the near future) that should help to deal with some of these issues. This includes the introduction of Victim and Witness Charters, the new Public Prosecution Service Victim and Witness Policy published in June 2017, the establishment of a Serious Crime Unit in the Public Prosecution Service, the creation of a Victim Portal and the seven year sexual and domestic violence and abuse strategy. Looking forward, further work will be undertaken to raise awareness of the Victim and Witness Care Unit and consider services to support young people in the earlier part of the criminal justice process. These changes will improve the services provided to all victims of crime.
- 3.2 The associated action plan sets out the actions that will be taken forward to address the issues raised, where these are not considered to have been dealt with through recent or pending policy changes. Both the response paper and action plan have been prepared by working alongside our statutory and voluntary sector partners in the criminal justice system.

3.3 Engagement with, and updates from, the police

Contact with police officers

Research

- 3.3.1 Interviewees expressed significantly more positive experiences than negative experiences in relation to the services provided by the police. The three key factors impacting on satisfaction with the services were:
- Continuity of the same officer throughout the case;
 - Supportive attitude towards the family; and
 - Regular updates on the progress of the case.

Where these elements were in place, the victim was more likely to have had a positive experience, however a victim could be severely impacted when any of these aspects were missing.

- 3.3.2 Some of the negative experiences mentioned by interviewees related to the lack of continuity with the officer dealing with the case, difficulties in contacting their named officer, judgemental attitudes of officers, and unhelpful responses in respect of further incidents.

Response

- 3.3.3 Provision is made within the Victim Charter, which was placed on a statutory footing in November 2015, setting out the standard of treatment for victims. This entitles victims to be recognised and treated in a courteous, dignified, respectful, sensitive, tailored, professional and non-discriminatory way by those that provide services under the Charter, which includes the police.
- 3.3.4 Both student police officers and uniform response/CID officers have received a range of face to face and online training aimed at improving their ability to recognise and respond to incidents of child protection and sexual offending. Role specific training is provided for specialist investigators involved in child abuse cases and serious sexual assaults. Much of this training is delivered in partnership with colleagues from social services to enhance knowledge and understanding and ensure both services can provide better support and assistance to victims.
- 3.3.5 Police will endeavour, where possible, not to change the initial investigating officer. Where a new investigating officer is appointed, then the victim will be updated by that new investigating officer giving that victim their details and contact details.
- 3.3.6 Police have individual mobiles and when off duty, victims can leave messages for that officer who will pick them up when returning to duty. Clearly, when the officer is on duty they will pick up any calls from the victim. In addition, police switch board can be contacted who will put the victim through to the local station who will take messages for officer.

Updates from the police about case progression

Research

- 3.3.7 The research highlighted, through the workshop and the interviews, the importance of keeping victims and their families informed of what is happening with their case. There were several positive examples of where pro-active work by individual officers was noted for keeping the victim informed. However, other feedback highlighted the uncertainty felt by victims when there was a lack of updates, particularly in the period between the conclusion of the police investigation and the decision to prosecute.

Response

- 3.3.8 The Victim Charter sets out entitlements in this area. During the police investigation stage, it states that victims are entitled to receive an update from the police (within 10 days) on what they are doing to investigate the crime. The police will also agree with the victim what further updates are to be provided, as appropriate. Victims are also entitled to contact the police and ask for an update outside of any agreed times. The Charter also sets

out what information is to be provided to victims on their journey through the criminal justice process. At the police stage this includes information on:

- what to expect from the criminal justice system;
- crime reference details;
- information on help and support available (including information on specialist support organisations); and
- decisions not to proceed with or end an investigation.

3.3.9 The Victim and Witness Care Unit will provide information to victims at key stages in the process, with the first contact occurring when the case file is submitted by the police to the Public Prosecution Service. From that point the allocated case officer in the Victim and Witness Care Unit will be the single point of contact in relation to the progress of the case.

Making a statement

Research

3.3.10 While there were no issues raised about making a statement, either by video or written, it was mentioned how some victims felt intimidated having to attend a busy police station to make a written statement and asked about the appropriateness of this.

Response

3.3.11 It is PSNI policy that all victim interviews are required to be conducted in a suitable environment. For example, the Rowan Sexual Assault Referral Centre or other specialist interviewing facility. Specialist portable equipment is now also available to allow, in certain situations, for victims to have their interview recorded in other premises, for example, a hospital. The location of the interview will be determined by the circumstances of the case.

Provision of the Information for Victims of Crime Leaflet

Research

3.3.12 The research found that the Information for Victims of Crime Leaflet was only provided by police in a minority of cases.

Response

3.3.13 In the Victim Charter, victims are entitled to receive an Information for Victims of Crime leaflet from the police (or information provided on where it can be found), setting out information on key stages of the process and highlighting where further information can be obtained. This covers:

- reporting a crime;

- the police investigation;
- support services;
- victim personal statements;
- going to court as a witness;
- restorative justice;
- convictions, sentence, release and supervision of offenders;
- compensation services;
- complaints; and
- entitlements under the Victim Charter.

3.3.14 Police officers give victims, or their Parent/Guardian, an Information for Victims of Crime leaflet when they speak to them in person. However, many victims decline this leaflet or highlight they do not wish any additional support, thus refusing any additional information or support.

3.4 Uncertainty about services available and criminal justice processes

Research

3.4.1 The research has shown that there was some lack of clarity about the role of available support services, namely those provided by Victim Support NI, young witness support by the NSPCC Young Witness Service and the role of the Victim and Witness Care Unit. Victims were confused about which services they were in contact with. There was also some uncertainty about the criminal justice process more generally.

Response

3.4.2 It is standard practice for each organisation (Victim Support NI, NSPCC Young Witness Service and Victim and Witness Care Unit) to explain their role to victims when they make contact. However, it is understandable that the similarity in the names could cause some confusion with victims who are unfamiliar with the criminal justice system.

3.4.3 Part of the role of the support services provided by Victim Support NI and the NSPCC Young Witness Service is to explain the criminal justice process and answer any questions that victims have in relation to this. One victim did refer to how both the police officer and the Young Witness Service assisted them in this.

3.4.4 The Victim Charter includes a short guide to the criminal justice system which provides an overview of the service providers and an explanation of the criminal justice process (including a flowchart).

3.4.5 The Department is currently working with Victim Support NI to place on their website a victim walkthrough of the criminal justice system which will help victims and witnesses to understand how the criminal justice system works. However, it is clear from the research findings that further work needs to be undertaken in this area.

3.5 Experience at court, including support services

NSPCC Young Witness Service

Research

- 3.5.1 The Young Witness Service was used in all cases except one. There were also two cases where Connie, a court assistance dog, was used. Generally, there was very strong support of the Young Witness Service, which is funded by the Department. The service was viewed as “amazing”, “excellent” and “absolutely brilliant”.
- 3.5.2 There was also considerable support for the pre-trial court familiarisation visits.

Separate facilities

Research

- 3.5.3 The benefits of a separate waiting area and video/remote link facilities were acknowledged. However, one victim mentioned the anxiety caused in the absence of separate toilet facilities. The YWS workshop highlighted the need for self-contained waiting rooms, toilet facilities and private access to avoid the defendant and how remote/distinct sites are preferable, with removal of young witness cases from court locations that may be viewed as not fit for purpose.
- 3.5.4 Also, a common issue identified by the research related to court staff having difficulty operating the video-link equipment or the equipment not working.

Response

- 3.5.5 It must be remembered that often the layout and accessibility of facilities will be influenced by the age and size of the actual courthouse.
- 3.5.6 NICTS is aware of the value of separation of facilities for young witnesses. Accommodation has been identified and separate waiting areas are provided where possible. NSPCC are able to provide refreshments within this area. Where it is not possible to include completely separate toilet facilities (due to the restrictions within the building) NICTS rely on the supporter, in liaison with court security officers, to try to co-ordinate access to minimise the potential for contact with the defendant.
- 3.5.7 Under single jurisdiction an application may be made to transfer proceedings from any venue deemed unsuitable to another court.
- 3.5.8 NICTS has installed a remote link site at Belfast PPS Chambers. Also, in theory, subject to judicial approval and arrangements with other NICS

departments, it would be possible to use any of the 300+ NICS Video conferencing units installed through-out NI for young witnesses.

- 3.5.9 From 5 March 2018 NICTS has agreed a new contract for the support and development of NICTS courtroom technology. Under this contract, all NICTS technology currently used in courts will be refreshed and standardised over the lifetime of the contract (5 years). This will improve and modernise current court facilities (including that in witness rooms) and will provide a foundation for criminal justice organisations to make it easier to present digital evidence in court.
- 3.5.10 NICTS works closely with NSPCC's young witness service regarding accommodation at court venues under the joint partnership protocol; NICTS will continue to support this work but are not aware of outstanding recommendations for additional or upgraded facilities at any particular court. Any such requests will be considered and all areas at court are routinely monitored for maintenance and improvement requirements.

3.6 Engagement with Public Prosecution Service (Counsel and Victim Witness Care Unit)

Interaction with Public Prosecution Service prosecutors

Research

- 3.6.1 In the majority of cases participants met the prosecutor ahead of the trial, and in some cases earlier than the day of the trial. The encounter was for many of the victims a defining and reassuring experience. Most of the interviewees felt that the Public Prosecution Service prosecutor was "on their side" and there were quite positive views expressed in a number of cases. However, this experience was not shared by all with the following issues raised.
- 3.6.2 In some instances interviewees referred to the prosecutor's apparent unfamiliarity with the details of the case. This was reinforced at the YWS Workshop and the lack of preparedness for on-the-day special measures applications was also raised. This is an issue that was reflected in other victim research undertaken by the Department.
- 3.6.3 Several interviewees raised concerns about the use of 'deals' with the defence team or pressure to reduce the charges. There was also concern about the prosecutor not being fully behind the case or being what was perceived as a flippant about the outcome.
- 3.6.4 Concern was also raised about failure of prosecutors to intervene during the trial.

- 3.6.5 The YWS Workshop identified the need, in some cases, for more training for prosecutors and Public Prosecution Service staff around the needs of young people and appropriate communication methods. The importance of the pre-trial contact between the court prosecutor and the victim was raised, as well as the need for more time to be allowed for pre-trial contact/consultation.

Response

- 3.6.6 The Public Prosecution Service's Victim and Witness Policy has been redrafted and updated. The policy incorporates changes introduced through the creation of the Victim and Witness Care Unit and the publication of the Victim Charter. Extensive training on the revised policy, outlining the obligations to be met, was completed in September 2016. All Public Prosecution Service staff and Panel Counsel received the training and are required to act in accordance with the revised policy.
- 3.6.7 Further steps have also been taken to improve the service provided by Panel Counsel. The Public Prosecution Service contract now includes a clause requiring Panel Counsel to attend mandatory training in some key areas especially around the support of vulnerable witnesses. Public Prosecution Service staff are also required to undergo training in these areas.
- 3.6.8 In every case in which they are instructed, Prosecution Counsel is required to read the case upon being briefed and, as appropriate, advise and consult on all aspects of the case in advance of the commencement of the trial. Sometimes it is unavoidable that Counsel may be instructed in a case at a late stage. However, they are still expected to be fully knowledgeable about the facts of the case by trial stage, irrespective of the timing of being briefed.
- 3.6.9 The Public Prosecution Service Communications Team undertook service user research between November 2016 and March 2017. The resulting report identified a number of priority audiences which included victims and witnesses and set out a series of recommendations to improve delivery using digital channels. The Communication Team further explored a number of options to improve the web-based provision of information, informed by engagement with the Victim and Witness Care Unit, Victim Support NI and Criminal Justice Inspectorate. It has been agreed that the focus will be on the development of a new Public Prosecution Service website and the identification of relevant social media channels.
- 3.6.10 The Public Prosecution Service Code for Prosecutors at paragraphs 5.9 – 5.16 sets out clear guidance to prosecutors as to the circumstances in which guilty pleas to lesser offences can be accepted. The general principle is that the decision to prosecute and the offences to be prosecuted, once they have been taken and formally issued by the Public Prosecution Service, should not be altered unless there is a proper reason. The defendant may on occasion want to plead guilty to some, but not all, of the charges or may offer a guilty plea to different, possibly less serious charges than those presented to the court. While the prosecutor is under a duty to consider any such formal offer from the defence, prosecutors are not permitted to “plea

bargain”. The term is generally understood as implying the seeking of some “deal” between the prosecution and the defence. This practice is not acceptable and prosecutors must not enter into any improper or questionable arrangement which suggests that it is taking place. The acceptance by the Public Prosecution Service of a “plea offer” from the defence must be consistent with the evidence and information available at the time and meet the requirements of justice. All prosecutors must comply with the Code of Ethics which is contained within the Public Prosecution Service Code for Prosecutors and which lays down the standards of conduct and practice for prosecutors working for, or on behalf of, the Public Prosecution Service.

- 3.6.11 The Public Prosecution Service considers that special measures applications for witnesses under the age of 18 will be made at the point of directing on a file and well within statutory timeframes. The Service is also committed to asking the court to deal with special measures applications in advance of the trial, so as to ease any concerns of the victim in advance. Prosecutors will continue to ask the court to give priority to cases where special measures have been granted.
- 3.6.12 As the Public Prosecution Service Victim and Witness Policy makes clear, the Public Prosecution Service recognises that attending court to give evidence, particularly for young victims, is daunting and the Service is committed to trying to alleviate any concerns and making attendance at court as stress-free as possible. The prosecutor will do everything possible to make the process of giving evidence as easy as possible. However, it is a matter for the court and the Judge to ensure that the trial is conducted in a fair and just manner.
- 3.6.13 Extensive training on the needs of victims and witnesses was delivered to all Public Prosecution Service staff and Panel Counsel by the end of 2016. This training need shall be kept under review:
- The Public Prosecution Service Youth Prosecution Policy is in the final stages of development. Training has been delivered to all staff in Belfast, Newry and Foyle on the new statutory aims of the Youth Justice System. Voice of Young People in Care (VOYPIC) have delivered training to Public Prosecution Service staff on the issues surrounding children in the care system who offend.
 - The Children’s Law Centre are delivering training to PPS staff in March and April 2018 around mental health issues among children who offend and the international human rights issues regarding children with mental health issues who offend.
 - Registered Intermediaries provided training to the prosecutors within the Public Prosecution Service’s Serious Crime Unit in 2016. It is hoped that the Registered Intermediaries will continue to provide training to prosecutors on the communication needs which may arise in respect of young victims.

- 3.6.14 The Public Prosecution Service will continue to make provision for prosecutors to meet young victims ahead of the day of the trial in all sexual violence and abuse cases at Crown Court and where possible in other courts. This provides an important service to victims and witnesses and gives the prosecutor a chance to meet with them and to answer any questions the victim or witness may have. In doing so the prosecutor will have to ensure that he or she discharges any disclosure duties that arise and does nothing that would interfere with the witness's evidence in court.
- 3.6.15 As stated in the Public Prosecution Service Code for Prosecutors, the Public Prosecution Service recognises the need for a partnership approach to ensure that victims and witnesses are given accurate and timely case-progression information and that victims and witnesses are listened to regarding their particular circumstances and needs. This is particularly important when dealing with a person with particular needs, for example a child or a person with communication difficulties. Additional assistance may be required when communicating decisions and information to them and in supporting them when giving evidence at court.

Victim and Witness Care Unit

Research

- 3.6.16 In relation to the Victim and Witness Care Unit, some interviewees indicated a lack of awareness or clarity about the role of the Unit. Of those that did refer to contact with the Unit, their reference point appears to be that it could refer them to support services, more so than providing a single point of contact for information and updates about the case. There was also confusion about the Unit with other service providers (as per paragraph 3.4.1). One case that had been allocated a Victim and Witness Care Unit case worker to keep them informed, had no contact with them.
- 3.6.17 There were, however, other instances where victims noted the positive role of the Victim and Witness Care Unit in providing information about their case. The YWS Workshop also saw the introduction of the Victim and Witness Care Unit as a positive step forward where victims can have an assigned case officer.

Response

- 3.6.18 The Victim and Witness Care Unit has, in the last year, reviewed and amended all the letters which it issues to make them more victim friendly and also to raise awareness of its functions. The initial welcome letter includes information on the role of the Victim and Witness Care Unit explaining that it provides a single point of contact during the prosecution process and keeps victims and witnesses informed at key stages as the case progresses. The letters also incorporate reference to the entitlements under the Charter. Further consideration will be given to how best to further raise awareness of

the work of the Victim and Witness Care Unit and the services that it provides.

3.7 Delay and adjournments

Research

- 3.7.1 The research demonstrated concern about delay and adjournments experienced in many of the cases. Victims and their parents advised of the strain which this placed on them and expressed the frustration, anger and despair which this caused. Many viewed the defence as using adjournments to enhance the defendant's outcome or to 'break' the witness.
- 3.7.2 YWS members were also of the view that delay and adjournments increased the risk of victim and witness attrition.
- 3.7.3 Views expressed at the YWS Workshop suggested that young victim trials should be prioritised and that there should be special listing for young victim cases with reduced waiting times. The need for consistent judicial practice in terms of effective management of young victim cases was also highlighted.

Response

- 3.7.4 The Department of Justice recognises that in some cases it can take longer for a case to progress through the system than would be expected and that this can add to the burden of those who have already suffered as a result of being a victim of crime. The Department, in partnership with senior leaders in the criminal justice organisations, is taking steps to address this through a programme of work to transform the performance of the criminal justice system. This includes a range of procedural and legislative reforms intended to speed up criminal case progression and improve the efficiency of the system.
- 3.7.5 As part of the Department's response to Programme for Government (Indicator 38, effectiveness of the justice system) a new data set has been established which measures, for the first time, the time taken to progress a case from the date of incident reported to final court disposal. Information is collected by court tier and split by summons and charge. The objective is to remove avoidable delay from the system to the benefit of victims and witnesses. The data will allow the Department and criminal justice organisations to identify problem areas and blockages and to track and monitor progress and improvements over time.
- 3.7.6 The Justice Act (Northern Ireland) 2015 contains a number of fundamental, long term reforms to tackle delay and improve the efficiency of the justice system. A number of reforms have been implemented, such as measures to encourage early guilty pleas (introduced in April 2016) and reform of the summons process (introduced in March 2017), while work is ongoing to implement the remaining sections. Work is also underway to introduce a

statutory framework for the management of criminal cases, enabling the Department to impose duties on the prosecution, defence and the court in the pursuit of achieving a just outcome in a case as swiftly as possible. These provisions will require that legal representatives have made all the preparations necessary for court stages of proceedings, which should help speed up the progression of criminal cases by reducing the need for adjournments. The Department will also be able to impose a general duty on all persons exercising functions in criminal proceedings in the Magistrates' Courts and Crown Court to reach a just outcome as swiftly as possible. The duty will take particular account of the need to identify and respect the needs of victims and witnesses.

3.7.7 The Department is also progressing work to further reform the committal process (used to determine whether there is sufficient evidence to justify putting a person on trial in the Crown Court), subject to agreement of the Executive. It is intended to bring forward legislation to:

- abolish oral evidence at committal;
- make further provision regarding the direct transfer of offences related to a specified offence and early guilty pleas; and
- allow cases to be discontinued, where appropriate, after committal and before arraignment.

3.7.8 The Public Prosecution Service and the PSNI are currently embarking on a Working Together pilot which seeks to transform working relationships, through the development of more collaborative working arrangements. The pilot is aimed at delivering a more effective criminal justice system. Key features of the pilot, which commenced in the Belfast area in February 2017 are:

- evidential standards for summary offences;
- proportionate file build for summary case files;
- a dedicated team of PSNI Decision Makers in a year-long proof of concept to improve the quality and consistency of disposal decisions and to assess guilty and not guilty pleas;
- streamline file build for no prosecution cases on specified offence types; and
- proportionate forensic reporting

3.7.9 The Indictable Cases Process (ICP) was also rolled out across a wider range of Crown Court cases from May 2017. A pilot running from 2015 demonstrated that the process delivered significant benefits as investigations were more focused and case preparation time more proportionate, leading to quicker proceedings overall. The process now applies to murder/manslaughter cases, indictable drugs cases, section 18 and section 20 assault cases, conveying a list A article⁸ into or out of prison

⁸ drugs, explosives, firearms or ammunition and any other offensive weapon

and attempted murder cases across all regions and districts. The rollout is expected to benefit victims and witnesses by ensuring that cases are not prolonged and also improve public confidence as cases are concluded more quickly.

- 3.7.10 Proportionate Forensic Reporting (PFR) has also been rolled out for all offences to reduce the time taken to build a case against a defendant and speed up the process.
- 3.7.11 The use of Body Worn Video (BWV) by police officers across Northern Ireland involved in the front line of policing has been fully rolled out. This enhances the level of evidence available to police and prosecutors to secure sound convictions and to encourage early guilty pleas.
- 3.7.12 It is hoped that these range of measures taken together will encourage those who are guilty to admit their guilt early on, reduce the burden on victims and witnesses and increase the capacity for the courts to deal more effectively with contested criminal cases.
- 3.7.13 The issue of the need for consistent judicial practice in terms of effective management of young victim cases will be raised with the Office of the Lord Chief Justice.

3.8 Experience of defence counsel

Research

- 3.8.1 Four out of fifteen victims had been cross examined by defence counsel and all found the experience unpleasant. There was negative feedback received, which highlighted a feeling that defence counsel were permitted to conduct their case without appropriate circumvention by anyone; a perception that more resource is allocated in favour of the defence due to legal aid; and several interviewees felt that the defence counsel was motivated simply by money at the expense of victims.

Response

- 3.8.2 The Institute of Professional Legal Studies, at Queens University Belfast, provides annual training to the Law Society that covers re how to treat victims. Also, the Advanced Advocacy course for solicitors has a compulsory component on the treatment of young witnesses and solicitors trained through the Institute are trained on the 'Child as a Witness'.
- 3.8.3 Work is ongoing by the Department to introduce a pilot for the pre-recorded cross-examination of vulnerable and intimidated witnesses in Belfast Crown Court. This will mean that the vulnerable or intimidated witness will have their evidence recorded in advance of the trial and will not have to attend the

trial itself. This should reduce the stressful impact which the court process places on victims. Every pilot case will include a Ground Rules Hearing in which the judge will agree with counsel how the cross-examination will take place.

3.9 Victim Personal Statements

Research

- 3.9.1 There was a mixed level of awareness among participants as to what a victim personal statement is, with a small number of participants having made statements. Of those who chose to make a statement, it was found to be a helpful part of the closure process and a vehicle for the victim to express how the offence had impacted on them.
- 3.9.2 In some cases parents had also used the opportunity of the victim personal statement to express their views, which in some instances proved therapeutic. However, concerns were raised about parents only being able to write their statement from the perspective of how they had seen the offence affect their child rather than in terms of how it had affected them and their family; and how the judge might not read the statement from the family.

Response

- 3.9.3 Provisions within the Justice Act (Northern Ireland) 2015 entitle a victim to be given the opportunity to make a victim personal statement, setting out how a crime has affected them or continues to affect them. Views should not be given on the defendant, any alleged offences or on any potential punishment to be given. The legislation also sets out that, where a person has been convicted, the court must, in determining the sentence, have regard to those parts of the statement that are relevant to the offence.
- 3.9.4 Section 3 of the Victim Charter and page 12 of the Public Prosecution Service Victim and Witness Policy set out the process for making a victim personal statement.
- 3.9.5 The guidance on completing a victim person statement states that while the victim personal statement should focus on the impact of the victim, it may also reflect the impact on the victim's close family, for example, a parent setting out how the crime has affected them as well as the child victim.
- 3.9.6 The Department will wish to consider what steps could be taken to raise awareness of the victim personal statement facility.

3.10 Sentencing

Research

- 3.10.1 Overall, relatively few of the participants had been present at sentencing and one victim who did attend found it particularly stressful because of the detail that was read out regarding the offence and would have preferred not to have gone if they had known.

Response

- 3.10.2 Victims are entitled under the Victim Charter, to have the Victim and Witness Care Unit tell them the result of the case and any sentence imposed. This will include a short explanation about the meaning and effect of the sentence.

3.11 Victim information schemes

Research

- 3.11.1 Knowledge of the various victim information schemes was minimal across the interviewees. For a significant number this could be due to the fact that the sentence granted fell outside of the scheme threshold which is 6 months or more.
- 3.11.2 A small number of participants who would have been eligible for the schemes had not been advised about them and had no knowledge of them.

Response

- 3.11.3 The Victim Charter and the information provided by the Victim Information Unit set out the circumstances in which a victim is entitled to be notified about the release of an offender and what information will be provided.

3.12 Impact of crime

Research

- 3.12.1 The research showed that around half of the cases had no identified longer or medium term consequences, but the other half (including all but one of the sexual offences) did report longer term negative consequences to their health, education and well-being, as well as ripple effects on the wider family.

Response

- 3.12.2 The Department acknowledges the impact which crime can have on victims and provides funding for support services to be provided by Victim Support

NI and the NSPCC Young Witness Service during the criminal justice process. These organisations refer victims on to other organisations who can provide longer term support.

- 3.12.3 The Department is also taking forward a range of work, under a Problem Solving Justice Initiative. This offers an outcomes based approach to tackle the issue of offending and negative behaviours by examining root causes and uses a collaborative approach to develop and implement early interventions. There is a portfolio of initiatives consisting of Enhanced Combination Orders; Support Hubs; Domestic Violence Perpetrator Programme; Substance Misuse Court and Family Drug and Alcohol Court. It is hoped that through these types of initiatives that the impact of crime can be reduced through changing offending behaviour.

Section 4: ACTION PLAN – RESEARCH INTO THE CRIMINAL JUSTICE EXPERIENCES OF YOUNG VICTIMS

	Action	Lead Organisation	Supporting Organisation	Target Date
Engagement with, and updates from, the police				
1.	<p>Through police training we will continue to re-emphasise the need:</p> <ul style="list-style-type: none"> • to treat young victims in a dignified, courteous, sensitive, tailored, professional and non-discriminatory manner; • to treat incidents involving young victims seriously; • to ensure continuity in the officer dealing with young victims, as far as possible; • to provide victims with regular updates, as far as possible and as agreed with the victim, on the progress of their case (as it relates to the police investigation); • to consider the most appropriate location for the victim to make a statement; and • provide victims with a copy of the Information for Victims of Crime leaflet. <p>Training will also include:</p> <ul style="list-style-type: none"> • examples of good practice in communicating with young victims; and • how to communicate with young victims. <p>Steps above to be incorporated into relevant procedures and guidance and actioned.</p>	PSNI		September 2017 (ongoing process)
2.*	We will monitor the issuing of the Information for Victims of Crime leaflet, under the Charter, through the introduction of digital measures to record	PSNI	DoJ	August 2018

* in the current three year victim and witness action plan for 2017/20

**also included in the SV Research Action Plan

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	the issue of that leaflet.			
Uncertainty about services available and criminal justice processes				
3.	In the first communication and meetings with victims, Victim Support NI, NSPCC YWS and VWCU will clearly explain the services that they provide.	VSNI YWS VWCU		December 2017 (ongoing process)
4.*	We will work to make greater use of technology in service provision, including: (i) reviewing web based information on the criminal justice journey, the roles and responsibilities of key organisations, practical advice and the current Victim Support NI Service Directory; and (ii) considering what use could be made of apps, or other social media avenues, to advise victims and witnesses about the journey through the criminal justice system and their role within this.	All		March 2018 December 2018
5.*	We will review the findings of NIVAWS and consider actions necessary to improve services to victims and witnesses of crime, including increasing awareness of the Victim and Witness Care Unit role and the single point of contact in that unit.**	All		March 2018
6.*	We will capture, and reflect back to criminal justice agencies, the view of victims and witnesses (through the Victim Support NI Voice of the Victim post) in order that this can be used to evidence good practice and consideration of the need for operational change.**	VSNI	All	Annually from March 2018
7.*	We will consider how best to provide support services for young victims of crime from when a crime is reported, through to aligning with current court support services. This will include training on appropriate referral	DoJ	VSNI/ NSPCC	December 2018

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	pathways/service providers.**			
Experience at court, including support services				
8.*	We will consider how special measures technology could be improved, including through: (i) upgrading the Achieving Best Evidence technology; (ii) upgrading courtroom live link technology; and (iii) considering further development of video link facilities (including remote facilities) to provide for greater geographical spread; linking in with the Criminal Justice Digital Strategy.	(i)PSNI (ii)NICTS (iii)NICTS/ PPS		March 2018 From March 2018 March 2020
9.	NICTS will issue a reminder to Court Administrators of the importance of ensuring that court clerks understand the correct use of witness link equipment (including the direction of cameras), and of testing links before all cases with special measures.	NICTS		December 2017
Engagement with the Public Prosecution Service (including Counsel and Victim and Witness Care Unit)				
10.	We will continue to develop the skills of prosecutors in communication with young victims (for those who regularly work with young victims), taking account of the issues raised in the report, including the requirement to be fully knowledgeable of the facts of the case by trial stage.	PPS		Ongoing
11.	We will continue to make provision for prosecutors to meet young victims ahead of the day of the trial in all sexual violence and abuse cases at Crown Court and where possible in other courts.	PPS		From April 2017
12.	We will advise victims of when they are likely to receive updates, if known, and continue to emphasise that VWCU can be contacted for an update at any point in the progression of the case, following a decision to prosecute.**	VWCU		March 2018

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13.	We will continue to take steps to raise awareness of the services that are provided by the VWCU and the role of case officers – including through continued engagement with NGOs and other representative bodies, possible inclusion of contact cards, etc.**	VWCU		March 2018
14.*	We will continue to review the work of the Serious Crime Unit, particularly in relation to building confidence, delivering proportionate and effective prosecutions and monitoring the performance of independent counsel.**	PPS	PSNI	From April 2017
15.	PPS legal staff and Panel Counsel will continue to undertake ongoing specialised training relevant to their role.	PPS		From April 2017
16.	We will continue to ask the court to deal with special measures applications prior to the trial so as to ease any concerns of the victim in advance and we will continue to ask the court to give priority to cases where special measures have been granted.	PPS		Ongoing
Delay and Adjournments				
17.	Regulations to be brought forward to deal with case management and the progression of proceedings in the Crown Courts, taking particular account of the needs of victims and witnesses.**	DOJ		Subject to Ministerial and Executive approvals in due course
18.*	We will bring forward legislation to reform the committal process, and implement the changes resulting from this, so that victims of crime are not required to give evidence ahead of trial.**	DOJ	PPS/PSNI/NI CTS	Subject to Ministerial and Executive approvals in due course - Spring 2019

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19.*	We will continue to work with practitioners towards reducing victim and witness waiting times at court. Consideration will also be given to how best to enable prosecutors to consult effectively with victims at court.**	PPS/NICTS	VSNI/ NSPCC	March 2020
20.*	(i) PPS will continue to work with PSNI to enhance file quality and timeliness (including disclosure), with the aim of improving evidential and file quality, the effectiveness of case progression and reducing delay. The PSNI/PPS Working Together pilot will seek to address these matters in respect of cases deemed suitable for summary prosecution.** (ii) We will review Phases I and 2 of the Working Together Pilot and use this to inform any further roll out.**	PSNI/PPS		From April 2017 March 2019
Experience of defence counsel				
21.*	We will continue to develop the skills of criminal justice practitioners in communicating with children and vulnerable adults (for those who regularly work with these individuals). We will also liaise with the Bar Council, Law Society and other relevant bodies as appropriate, in relation to this.	All		From April 2017
22.*	We plan to pilot the use of pre-recorded cross-examination in Belfast Crown Court in which vulnerable and intimidated witnesses will not have to attend the trial itself which will reduce the stressful impact that the court process places on them. The pilot would run for a period of 12-18 months.	DoJ	All	Mid 2019
Victim personal statements				
23.	We will consider how to revise the Victim Personal Statement leaflet, as well as other steps that could be taken, with a view to raising awareness of the VPS facility.**	DoJ	VSNI/NSPCC	June 2018
24.	We will provide refresher training to staff to make clear the purpose of the	VSNI/NSPCC		March 2018

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	VPS, addressing the issues raised in the research and ensuring that staff have the necessary skills and experience.**			
25.	We will, as far as possible, facilitate victims preparing their statement in the first instance, with guidance from VSNI/NSPCC organisations.**	VSNI/NSPCC		March 2018
Sentencing				
26*	As part of the Department's review of sentencing policy, we will consider evidence around victims' understanding of the sentencing process and what steps could be taken to enhance that understanding in order to improve the experience of victims in the criminal justice system.**	DOJ	NSPCC/ PPS/VSNI	From April 2017
Victim Information Schemes				
27.	<p>PBNI will raise awareness of the Victim Information Schemes through:</p> <ul style="list-style-type: none"> • Presentations to all relevant agencies • Raising awareness to all relevant staff in PBNI • Online victim registration available from October 2017 • Offering the scheme to victims of offenders sentenced to Supervision and Treatment Orders. <p>Presentations and meetings both internal and external to PBNI commenced in September 2017 and will be ongoing throughout the remainder of this year and in 2018.</p>	PBNI PRIVIS		<p>Ongoing from September 2017</p> <p>December 2017</p>