



# VICTIMS AND WITNESSES

THE CARE AND TREATMENT  
OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE  
SYSTEM IN NORTHERN IRELAND

**JULY 2020**

# VICTIMS AND WITNESSES

## THE CARE AND TREATMENT OF VICTIMS AND WITNESSES BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

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# CONTENTS

List of abbreviations	2
A note about terminology used in this report	4
Chief Inspector's Foreword	6
Executive summary	8
Recommendations	10
<b>Inspection Report</b>	
<b>Chapter 1:</b> Introduction	14
<b>Chapter 2:</b> Strategy and governance	22
<b>Chapter 3:</b> Delivery and outcomes: Early days and police response	44
<b>Chapter 4:</b> Delivery and outcomes: The Public Prosecution Service receive the police file	72
<b>Chapter 5:</b> Delivery and outcomes: Assessment of the Victim and Witness Care Unit	94
<b>Chapter 6:</b> Delivery and outcomes: Support before, during and after court	103
<b>Appendices</b>	
- Appendix 1: Terms of Reference	115
- Appendix 2: Methodology	119
- Appendix 3: Victim and Witness Care Unit Project Overview and Role	121
- Appendix 4: Emotional Intelligence	124
- Appendix 5: A Day in the Life	126

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

# LIST OF ABBREVIATIONS

<b>ACC</b>	Assistant Chief Constable
<b>CH</b>	Call Handler
<b>CJA</b>	Criminal Justice Agency
<b>CJB</b>	Criminal Justice Board
<b>CJDG</b>	Criminal Justice Delivery Group
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>CJS</b>	Criminal Justice System
<b>CLT</b>	Community Liaison Team
<b>CMC</b>	Contact Management Centre
<b>CMSU</b>	Contact Management Support Unit
<b>CO</b>	Case Officer
<b>COPFS</b>	Crown Office & Procurator Fiscal Service (Scotland)
<b>CPS</b>	Crown Prosecution Service (in England and Wales)
<b>CPT</b>	Case Progression Team
<b>CRM</b>	Customer Relations Management
<b>CSAE</b>	Child Sex Abuse and Exploitation
<b>CWG</b>	Communications Working Group
<b>DASH</b>	Domestic abuse, stalking and honour-based violence risk assessment forum
<b>DoJ</b>	Department of Justice (Northern Ireland)
<b>DV</b>	Domestic Violence
<b>EI</b>	Emotional Intelligence
<b>EU</b>	European Union
<b>E&amp;W</b>	England and Wales
<b>FLO</b>	Family Liaison Officer
<b>FR</b>	First Responder/response
<b>GSB</b>	Gold, Silver and Bronze Command
<b>HMG</b>	Her Majesty's Government
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary (now HMICFRS)
<b>HMICFRS</b>	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
<b>IAS</b>	Independent Assessor of Complaints
<b>INA</b>	Initial Needs Assessment
<b>KSI</b>	Key Stage Interface
<b>LPT</b>	Local Policing Team
<b>MoU</b>	Memorandum of Understanding
<b>NI</b>	Northern Ireland

**VICTIMS AND WITNESSES**

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
 BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
 JULY 2020

<b>NICHE RMS</b>	Police Service of Northern Ireland Records Management System
<b>NICTS</b>	Northern Ireland Courts and Tribunals Service
<b>NIM</b>	National Intelligence Model
<b>NIPC</b>	Northern Ireland Policing College
<b>NIPS</b>	Northern Ireland Prison Service
<b>NIVAWS</b>	Northern Ireland Victim and Witness Survey
<b>NPCC</b>	National Police Chiefs' Council
<b>NPT</b>	Neighbourhood Policing Team
<b>NSPCC</b>	National Society for the Prevention of Cruelty to Children
<b>OBA</b>	Outcomes Based Accountability
<b>OCMT</b>	Occurrence Case Management Team
<b>OPONI</b>	Office of the Police Ombudsman for Northern Ireland
<b>PBNI</b>	Probation Board for Northern Ireland
<b>PCSP</b>	Police and Community Safety Partnership
<b>PEEL</b>	Policing Effectiveness, Efficiency and Legitimacy
<b>PfG</b>	Programme for Government
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>PRVIS</b>	Prisoner Release Victim Information Scheme
<b>PSNI</b>	Police Service of Northern Ireland
<b>RFI</b>	Request for further information
<b>RI</b>	Registered Intermediaries
<b>RPU</b>	Roads Policing Unit
<b>SEA</b>	Station Enquiry Assistant
<b>SIO</b>	Senior Investigating Officer
<b>SOTP</b>	Student Officer Training Programme
<b>SPOC</b>	Single Point of Contact
<b>THRIVE</b>	Threat, Harm, Risk, Investigation, Vulnerability and Engagement
<b>ToR</b>	Terms of Reference
<b>TRU</b>	Telephone Resolution Unit
<b>TTCG</b>	Tactical Tasking and Co-ordinating Group
<b>UK</b>	United Kingdom
<b>VLU</b>	Victim Liaison Unit
<b>VIA</b>	Victim Information and Advice (Scotland)
<b>VIU</b>	Victim Information Unit
<b>VRAM</b>	Vulnerability Risk Assessment Matrix
<b>VSNI</b>	Victim Support Northern Ireland
<b>VWCU</b>	Victim and Witness Care Unit (Northern Ireland)
<b>VWSG</b>	Victim and Witness Steering Group
<b>WCO</b>	Witness Care Officer
<b>WCU</b>	Witness Care Units (England and Wales)
<b>YJA</b>	Youth Justice Agency

# A NOTE ABOUT TERMINOLOGY USED IN THIS REPORT

**Victim**<sup>1</sup> - has the meaning attributed under Article 2 of directive 2012/29/EU of the European Parliament and of the Council, i.e.

- a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; or
- family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

**Witness**<sup>2</sup> - has the meaning attributed by Section 30(9) of the Justice Act (Northern Ireland) 2015, i.e. a person who -

- has witnessed criminal or other conduct in relation to which that person may be or has been called to give evidence in criminal proceedings;
- is able to provide or has provided information or any other thing which might assist a criminal investigation or which might be or has been used in evidence in criminal proceedings; or
- for any other reason is called or might be called to give evidence in criminal proceedings.

**Family members**<sup>3</sup> - has the meaning attributed under Article 2 of directive 2012/29/EU of the European Parliament and of the Council, i.e.

- the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim.

**Special Measures**<sup>4</sup> (or Special Court Measures) - are measures which have been put in place to help vulnerable and intimidated witnesses give their best possible evidence in court, i.e.

- screens around the witness box to prevent you from having to see the defendant and the defendant from seeing you - you will still be seen by others in the court including the Judge, jury, lawyers and barristers and, in some courts, the public gallery;
- giving evidence via a live TV link outside the courtroom - you will be able to see the courtroom and people in the courtroom, including the defendant, will be able to see you on a television screen;

1 Directive 2012/29/EU of the European Parliament and of the Council, Article 2 (2012). Available at [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

2 Justice Act (Northern Ireland) 2015, S30(9). Available at [www.legislation.gov.uk/nia/2015/9/section/30/enacted](http://www.legislation.gov.uk/nia/2015/9/section/30/enacted)

3 Directive 2012/29/EU of the European Parliament and of the Council, Article 2 (2012). Available at [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

4 Witness services and special court measures. NI government information available at [www.nidirect.gov.uk/articles/witness-services-and-special-court-measures](http://www.nidirect.gov.uk/articles/witness-services-and-special-court-measures)

**VICTIMS AND WITNESSES**

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
**JULY 2020**

- giving evidence in private - members of the public and the press can be excluded from the court in some cases;
- Judges and barristers removing their wigs and gowns in the Crown Court to make the proceedings seem less intimidating;
- a video recorded interview with you before the trial to be admitted by the court as your evidence - a live link or screen can be used when you are cross-examined by the defence; and
- a communicator or interpreter.

**Vulnerability** - the Police Service of Northern Ireland defines a vulnerable person as someone in need of special care, support or protection because of age, disability, or risk of abuse or neglect.<sup>5</sup>

5 *PEEL: Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland (2018)*, p23. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf)

# CHIEF INSPECTOR'S FOREWORD

Victim and witness care is vital to ensure people are confident that when they report a crime or are a witness to it they will be kept informed and supported at every stage. Each victim in the criminal justice system has their own personal journey and individual needs. Providing services that respect that is critical to ensure they stay committed, on the often long journey, to bringing offenders to justice.

Failing to do this well can impact on public confidence in the justice system, deter victims from reporting crime and allows offenders to keep on committing crimes and creating more victims.

The Victim Charter and Witness Charter are not glossy leaflets, posters on a wall or website pages. They should be statements of intent that result in action and an ethos of authentic care across quality services in our criminal justice system. Victims and witnesses need to know about and understand them, they should be assured about how they are going to be supported and informed.

In over a decade, while improvements have been made, they are still not sufficiently tailored to individual needs and consistently delivered to a quality standard across Northern Ireland. Sometimes there is too much focus on statistics and sensitivity about independence and not enough on victims' stories or lived experiences that can have a lifelong impact.

Achieving best evidence is critical and it is also critical that victims and witnesses needs are identified and their best evidence is preserved to support effective investigations, robust prosecutions and fair trials. The importance of identifying, providing and sustaining good support is all the more urgent in a system with the current levels of delay in reaching case outcomes.

Taking care of victims and witnesses does not mean compromising justice or independence. It does not mean raising expectations there will be a conviction in every case.

It does mean that the vital role and individual needs of victims and witnesses is at the centre of better services in every organisation. It does mean that the people engaging with victims and witnesses need to be skilled communicators, authentic and resilient with the time and capacity to actively listen.

It means that the Criminal Justice Board, Criminal Justice Delivery Group and every criminal justice organisation at all levels needs to own and believe in the



**VICTIMS AND WITNESSES**

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
**JULY 2020**

Victim Charter and the Witness Charter and consistently demonstrate their intent in daily practice. Evidence of dedicated individuals who provided great support to victims and witnesses is highlighted in this report. Their efforts made all the difference to children and adults during a very difficult period in their lives.

This report makes a number of strategic recommendations to ensure victim and witness needs are paid better attention by senior leaders who, in their organisations and across the criminal justice system, influence the culture and behaviours, commit resources and make decisions about priorities and services they want their officers, prosecutors, officials and staff to deliver. It also makes a number of operational recommendations to improve training, practice and better partnership working with Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children that makes best use of their expertise.

Better victim and witness care has the potential to improve community confidence in the justice system.

It could lead to increased reported crime, ensure victims and witnesses give their evidence and stay engaged no matter how long it takes a case to come to a conclusion. It could help them understand why a prosecution was not taken or conviction secured and cope with the trauma they have experienced.

Hope is the possibility of change. I hope criminal justice system leaders take the opportunity to demonstrate their shared ambitions for better victim and witness care and do not let another decade pass without agreeing at least minimum standards in Northern Ireland. These report recommendations, if implemented, will contribute to the Victims and Witness Care Unit becoming the service it needs to be and will help deliver a better justice system for all.

My thanks to Stevie Wilson, Lead Inspector, Dr Roisin Devlin and all those who supported this review, particularly those victims and witnesses who shared their very personal journey and experiences.


**Jacqui Durkin**

Chief Inspector of Criminal Justice  
in Northern Ireland

**July 2020**

# EXECUTIVE SUMMARY

The full potential of the Victim and Witness Charters (the Charters) were still to be realised. Confidence and belief in the Charters needed to start in and radiate out from within the system if victims and the wider community were to put their trust in them. Refocused and renewed energy required bold steps in partnership working to deliver a new bespoke approach to the identification of victim needs. This was required to ensure that people received the help and support they were entitled to.

Fourteen years had passed since Criminal Justice Inspection Northern Ireland first inspected how the criminal justice system treated victims and witnesses. Charters intended to provide information, support and protection along with a dedicated victim and witness unit had been introduced. Those steps were intended to help victims and to ensure they were able to participate in criminal proceedings.

Feedback was often encouraging about treatment by individual Police Officers and staff across the criminal justice system who were said to have gone that extra mile to help. Overall there was a general sense of improvement and engagement by the criminal justice agencies but that more was still needed. For those working in the system, there was frustration about processes driving practice that got in the way of real and meaningful contact with people who needed their help.

The impact of crime was unique for every person. Some victims of serious crimes were emotionally strong and demonstrated a level of personal resilience and determination that was simply

incredible. Conversely, others subjected to crimes labelled 'less serious' had been left completely devastated. Regardless of the 'seriousness' of the crime committed, the impact on each individual determined what help they needed from the system.

Addressing individual needs was often straightforward. Navigating the system was still complex from the victims' perspective. This caused confusion about what happened next, the people and functions of those they had met or talked to and who or where to go for help and support. Issues relating to actual engagement were entwined, when it occurred, how it was done and the skills of those involved.

Other needs were much more complex for those more vulnerable and in need of special care and support or protection because of age, disability, or risk of abuse and neglect. In addition to sharing needs with all other victims, the system was challenged in providing a service responsive to their needs, for example, a need for emotional support, being able to communicate effectively, being able to understand or gaining access to buildings.

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

People wanted to talk to those who were well-informed about the crime committed against them and who demonstrated a professional sense of caring and knowledge of the help and support that they might need. They were much less concerned about who or what organisation provided them.

The need for a specific focus on those who were more vulnerable was recognised within the system and the police had made improvements in how they dealt with and treated vulnerable victims. This was important but needed to be part of an overall approach that fully recognised and provided help and support to every victim of crime.

Some victims did not know what help they could get from the criminal justice system and asked why they had not been given more help. No one victim or witness spoken to by Inspectors knew about or had ever heard of the Charters. They did not know where or how to find them and therefore had not fully benefited from the information they contained. The Charters were simply an unknown quantity in that regard.

There was a strong sense of apathy and disconnection by many organisations providing support to victims when asked about the ongoing influence and contribution of the Charters. Knowledge of the Charters by Police Officers delivering front-line services and staff providing key support focused almost exclusively on responses relating to processes that they needed to comply with and not about the people themselves.

There was a need for whole system shared ownership and proactivity to bring focus on the importance and significance of the Charters. A cohesive strategic system wide approach that promoted, signposted and delivered against the Charters needed to emanate from the agencies and partners across Northern Ireland. In the absence of that, people across the community were unlikely to have confidence and belief in them.

Police Officers and support staff on the front-line were key to identifying needs but they were only one part of the overall solution. The well-established Victim and Witness Care Unit now provided a firm base for future development of needs assessment. The Unit was an integral part of the strategy and provided services to victims and witnesses. Sustainability of the Victim and Witness Care Unit was increasingly important and this needed further consideration as part of existing services and any future development.

The Victim and Witness Care Unit now provided NI with a unique and exciting opportunity to introduce a new and radical partnership approach to identifying the needs of victims and witnesses. This would require increased input by partners such as Victim Support Northern Ireland. Such a joined up service was central to making a real difference to victims and witnesses and deliver better outcomes that satisfied the needs of both victims and witnesses and the system itself.



# RECOMMENDATIONS

## STRATEGIC RECOMMENDATIONS

### STRATEGIC RECOMMENDATION 1

The Department of Justice should implement a strategic communications solution within one year of the publication of this report to substantially raise the profile of the Charters and promote ease of access for all users in the community. Future development of the victim and witness strategy should also be co-aligned with communication strategy.

**(paragraph 2.45)**

### STRATEGIC RECOMMENDATION 2

The Police Service of Northern Ireland should review how the current strategic prioritisation of vulnerability aligns with the delivery of outcomes impacting on all victims within three months of publication of this report.

**(paragraph 2.62)**

### STRATEGIC RECOMMENDATION 3

The Department of Justice should review the role of the Victim and Witness Steering Group within three months of the publication of this report:

- The Terms of Reference should include the Senior Executive recommendations arising from this report; and
- Membership, as stated in Criminal Justice Inspection Northern Ireland's 2011 strategic recommendation, remains in place and is consistently evidenced, i.e. criminal justice agency membership should be at Senior Executive level. Members should also be appointed as their organisation's 'Victims Champion' responsible for and directly reporting to the head of their respective agency on matters identified in the 2011 strategic recommendation.

**(paragraph 2.87)**

**STRATEGIC RECOMMENDATION 4**

The Public Prosecution Service for Northern Ireland in partnership with the Police Service of Northern Ireland should establish a Victim and Witness Care Unit working group to examine a future Victim and Witness Care Unit service model, with a focus on enhanced provision of care for victims and witnesses in Northern Ireland within three months of report publication. A next steps options paper with recommendations should be prepared and submitted to the Criminal Justice Board within nine months of report publication. The paper should include options for:

- future human resource structures and models; and
- the development of the current Victim Support Northern Ireland provider role to include a Victim and Witness Needs Assessment Service adjoined to and supporting existing Victim and Witness Care Unit services.

**(paragraph 5.43)**

**OPERATIONAL RECOMMENDATIONS****OPERATIONAL RECOMMENDATION 1**

The Public Prosecution Service for Northern Ireland should introduce enhanced induction and continuous training for staff attached to the Victims and Witness Care Unit within six months of the publication of this report.

**(paragraph 3.33)**

**OPERATIONAL RECOMMENDATION 2**

The Police Service of Northern Ireland in partnership with Victim Support Northern Ireland should review practices for the provision of victim information by police first responders to victims within six months of the publication of this report.

**(paragraph 3.65)**

**OPERATIONAL RECOMMENDATION 3**

The Police Service of Northern Ireland should review Victim Support Northern Ireland input to Student Officer and District Training within three months of the publication of this report.

**(paragraph 3.75)**

**OPERATIONAL RECOMMENDATION 4**

The Police Service of Northern Ireland should review use of current risk and needs assessment tools that have evolved in response to vulnerability. The review should explore operationally effective technical solutions based on the concept of single data input within six months of the publication of this report.

**(paragraph 3.90)**

**OPERATIONAL RECOMMENDATION 5**

The Police Service of Northern Ireland should review the current approach to providing investigation updates to victims within three months of the publication of this report.

**(paragraph 3.107)**

**OPERATIONAL RECOMMENDATION 6**

The Public Prosecution Service for Northern Ireland and the Police Service of Northern Ireland should review policy and practice for Single Point of Contact arrangements in line with the provisions set out under Articles 3, 4 and 6 of the European Union Directive to ensure best practice meets the needs of bereaved victims and family members as defined under Article 2 of the European Union Directive within three months of the publication of this report.

**(paragraph 3.120)**

**OPERATIONAL RECOMMENDATION 7**

The Police Service of Northern Ireland should centralise command and management of Family Liaison Officers within three months of the publication of this report.

**(paragraph 3.129)**

**OPERATIONAL RECOMMENDATION 8**

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should review the stage one Initial Needs Assessment letter sent to victims and witnesses within three months of the publication of this report.

**(paragraph 4.87)**

**OPERATIONAL RECOMMENDATION 9**

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should review stage one of the overall three stage needs assessment process within three months of the publication of this report.

**(paragraph 4.90)**

**OPERATIONAL RECOMMENDATION 10**

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should formalise and implement a partnership service provision protocol within three months of the publication of this report.

**(paragraph 5.25)**

**OPERATIONAL RECOMMENDATION 11**

The Northern Ireland Courts and Tribunals Service should implement arrangements to formalise input from the National Society for the Prevention of Cruelty to Children and Victim Support Northern Ireland service providers on assessment of needs impacting on the 'Courts 2020' Transformation Programme within three months of the publication of this report.

**(paragraph 6.19)**

**OPERATIONAL RECOMMENDATION 12**

The Probation Board for Northern Ireland working in partnership with the Department of Justice and the Northern Ireland Prison Service and in consultation with Victim Support Northern Ireland, should seek agreement and manage the effective delivery of promotional plans by the Victim Information Unit and increase enrolment across all schemes within six months of the publication of this report.

**(paragraph 6.55)**



# CHAPTER 1: INTRODUCTION

## Context

- 1.1 The first Criminal Justice Inspection Northern Ireland (CJI) report into how the criminal justice system (CJS) treated victims and witnesses in Northern Ireland (NI) was published in 2005. Inspectors reported that, *'The criminal justice system is ambivalent about the status of victims of crime.'*<sup>6</sup>
- 1.2 In 2011 research on behalf of the NI Assembly highlighted that, *'Northern Ireland is an adversarial system which traditionally has primarily been concerned with resolving disputes between the State and the defendant.'*<sup>7</sup> CJI reported in that year that, *'victims were particularly focused on a 'joined-up' service (single point of contact) between the agencies that would give them clarity and continuity of treatment.'*<sup>8</sup> Progress on that report was the subject of a Follow-Up Review in 2015.<sup>9</sup>
- 1.3 Approximately 82% of CJI recommendations for improvement had been either fully or partially achieved by the inspected criminal justice agencies (CJAs). Although implementing change was not an indication of improved outcomes for victims, witnesses or their families, it provided reassurance of increasing commitment to firmly place in the past the ambivalence detected by Inspectors in 2005. Inspectors sought to assure themselves that commitment to victims, witnesses and families and drive for change had remained intact given the date of the most recent and last full CJI inspection in 2011.
- 1.4 In developing the Terms of reference (ToR) (attached at Appendix 1), Inspectors identified the Victim Charter and the Witness Charter and the now well established Victim and Witness Care Unit (VWCU) as key areas of focus for this inspection.

6 *Improving the Provision of Care for Victims and Witnesses within the Criminal Justice System in Northern Ireland* (2005), p16, par2.1. CJI report available at [www.cjini.org/getattachment/ceda45b5-8b15-4f7b-a2a4-9dfe1902eca4/Victims-and-Witnesses-July-2005.aspx](http://www.cjini.org/getattachment/ceda45b5-8b15-4f7b-a2a4-9dfe1902eca4/Victims-and-Witnesses-July-2005.aspx)

7 *The Status of Victims in the Criminal Justice System*. Research and Information Service Research Paper NIAR 453-11, Fiona O'Connell and Gareth Mulvenna (2011), p1. NI Assembly web document available at [www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/justice/17211.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/justice/17211.pdf)

8 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland* (2011), p4, par 1.7. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

9 *The Care and Treatment of Victims and Witnesses in the Criminal Justice System in Northern Ireland, Incorporating the use of Special Measures* (2015). CJI report available at [www.cjini.org/CJNI/files/7c/7c2edadb-98a3-4ff8-a5f8-dd78d5bd254d.pdf](http://www.cjini.org/CJNI/files/7c/7c2edadb-98a3-4ff8-a5f8-dd78d5bd254d.pdf)



1.5 This report did not seek to repeat recently published and ongoing CJI reports undertaken and bringing focus to specific areas of victimisation and vulnerability or the significant contribution made in the ‘Gillen Review’ report into the law and procedures in serious sexual offences in NI.<sup>10</sup> Delay in the criminal justice system also did not form part of the inspection ToR.

### **The 2012 European Union (EU) Directive**

1.6 In 2012, the European Parliament issued a Directive<sup>11</sup> (referred to hereafter as the EU Directive) that had significant consequences for member states in terms of establishing minimum standards on the rights, support and protection to the estimated 75 million annual victims of crime.<sup>12</sup> The EU Directive placed responsibility on all member states to apply and provide access to the rights set out in the document.

1.7 The Victim Charter<sup>13</sup> and Witness Charter<sup>14</sup> (collectively referred to hereafter as the Charters) were established as part of the response to meet that obligation. The EU Directive set out clear ‘purpose’ from its outset under Article 1:

*‘The purpose of this Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings.’<sup>15</sup>*

1.8 The EU Directive established a framework of what must be achieved by member states. Creating Charters translated framework provisions into the domestic context and sought to deepen yet further the commitment by member states that, ‘respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union’.<sup>16</sup>

1.9 Given the important strategic positioning and significance of the Charters to the overall treatment of victims and witnesses in NI, CJI sought to examine their impact on real and meaningful outcomes for victims and witnesses. All parts of the United Kingdom (UK) had initially established Charters (or Codes) and Inspectors noted that the Code of Practice for Victims of Crime introduced in 2015 for England and Wales (E&W) was under review at the time of the inspection.<sup>17</sup>

10 *Gillen review: Report into the law and procedures in serious sexual offences in Northern Ireland* (2019). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf)

11 *Directive 2012/29/EU of the European Parliament and of the Council* (2012). Available at [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

12 *European Commission Factsheet: The Victims’ Rights Directive What does it bring?* (2017). *European Commission web document* available at [ec.europa.eu/newsroom/document.cfm?doc\\_id=43139](http://ec.europa.eu/newsroom/document.cfm?doc_id=43139)

13 *NI Victim Charter* (2015). DoJ web document available at: [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf)

14 *NI Witness Charter* (2017). DoJ web document available at: [www.justice-ni.gov.uk/sites/default/files/publications/justice/witness-charter.PDF](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/witness-charter.PDF)

15 *Directive 2012/29/Eu of the European Parliament and of the Council* (2012). **Ch1, Art1, Par 1**. Available at: [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

16 *Justice Act (NI) 2015*, S28. Legislation.gov.uk webpage available at: [www.legislation.gov.uk/nia/2015/9/section/28](http://www.legislation.gov.uk/nia/2015/9/section/28) -

17 *Code of Practice for Victims of Crime*, England & Wales, (2015). Available at [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](http://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

**Methodology**

- 1.10 As is the case with all CJI inspections, engaging with stakeholders was essential and ensured that Inspectors heard and listened to the voices and experiences of real people availing of services and to those providing such support.<sup>18</sup> Inspection topics contained in current and past CJI inspection programmes also provided ongoing continuity of stakeholder participation through helpful feedback and information incrementally accrued across many inspections.
- 1.11 Every CJI inspection relating to victims demanded renewed effort to engage with victims, witnesses and families. The specified service providers along with all other services identified and signposted within the current version of the NI Victim Charter (totalling 53) were contacted and invited to contribute. Stakeholders were also encouraged to promote wider participation through personal networks, victim forums, social media and open invitations were published on the CJI website inviting broader participation and contribution.
- 1.12 Consistent feedback about real experiences provided from victims, witnesses, families and service providers was crucial to CJI inspections in terms of learning and in assessing the effectiveness of policy in delivering outcomes. The scale and regularity of meaningful feedback from victims was a highly significant issue for those assessing real outcomes resulting from implemented strategy and delivery of services.
- 1.13 Access to some victims, witnesses and families who had received support was often only possible with the help of the organisations providing that support. Some victims, witnesses and families who, having ended their journey within the Criminal Justice System (CJS), had nonetheless continued to receive support. The feedback received is discussed in later paragraphs.
- 1.14 Gaining a complete picture of the VWCU was only possible and required maximum exposure to and assistance from key staff responsible for delivering the service within the VWCU.
- 1.15 In this regard the Inspection Team was given full and unlimited access to all staff and every aspect of the service. The staff from the VWCU demonstrated genuine desire for improvement and interviews attracted constructive support and candour from all participants. This included access and interviews with Victim Support Northern Ireland (VSNI), Public Prosecution Service for Northern Ireland (PPS) prosecutors, the Independent Assessor of Complaints (IAS) and senior management in the PPS and the Police Service of Northern Ireland (PSNI).

18 *Operational guidelines for inspection: Stakeholder consultation, p6, par 2.1.9.* CJI web document available at [www.cjini.org/getdoc/15070948-fab1-4b38-b7e9-81ce636f7327/OPERATIONAL-GUIDELINES-FOR-INSPECTION-v1-7.aspx](http://www.cjini.org/getdoc/15070948-fab1-4b38-b7e9-81ce636f7327/OPERATIONAL-GUIDELINES-FOR-INSPECTION-v1-7.aspx)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 1.16 In advance of planned fieldwork within the VWCU, a two-day benchmarking visit examined current operational delivery practices of the Witness Care Unit (WCU) at West Yorkshire Police.

### Victim focus

*"I remember falling to the floor, screaming and crying like I had never cried before"*<sup>19</sup>

- 1.17 Victims and witness feedback was dominated by the impact of the crime and their expectations and needs from the system and from those they had interfaced with on their journey through the system. In terms of actual victim outcomes, it was to those very same areas that delivery of outcomes was attributable, for example, provision of care and provision of information. Where the victims' need was for justice then provision of support to participate (Special Measures)<sup>20</sup> was also seen as an outcome, i.e. some victims told Inspectors they were not interested in the outcome of court proceedings (conviction) but for others this was their ultimate outcome.
- 1.18 Inspectors previously reported, *'a need for an overall tangible cultural shift from 'system' to 'service' and to greater customer care, understanding and interpersonal skills across the criminal justice system.'*<sup>21</sup> Officers and staff at various levels across the CJAs expressed frustration that process compliance was getting in the way of providing attention to fundamental principles of care and support, for example, affording time, having meaningful conversations and listening to what the individual needed.
- 1.19 Another concern was that Special Measures (sometimes called Special Court Measures) had in some way achieved a predominance over all other considerations when it came to improving the victim experience and how they were treated by the criminal justice system.
- 1.20 Engagement throughout this inspection often associated success, improved outcomes and better treatment of victims, witnesses and families with processes and increased process activity. From the outset, this report did not seek or focus on assessing treatment and outcomes of victims, witnesses and families based solely on process compliance or measuring activity associated with Charter compliance or Special Measures. Based on feedback, Inspectors were firmly of the view that there was a clear distinction between process data, treatment and outcomes for victims, witnesses and families.

19 *Love is the memory no-one can steal*, Dargin Press (2010), p23. SAMM (Support After Murder & Manslaughter) NI available at [samm.org.uk/index.php](http://samm.org.uk/index.php)

20 *Witness services and special court measures*. NI guidance available at [www.nidirect.gov.uk/articles/witness-services-and-special-court-measures](http://www.nidirect.gov.uk/articles/witness-services-and-special-court-measures)

21 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland*, Executive Summary (2011), p9. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

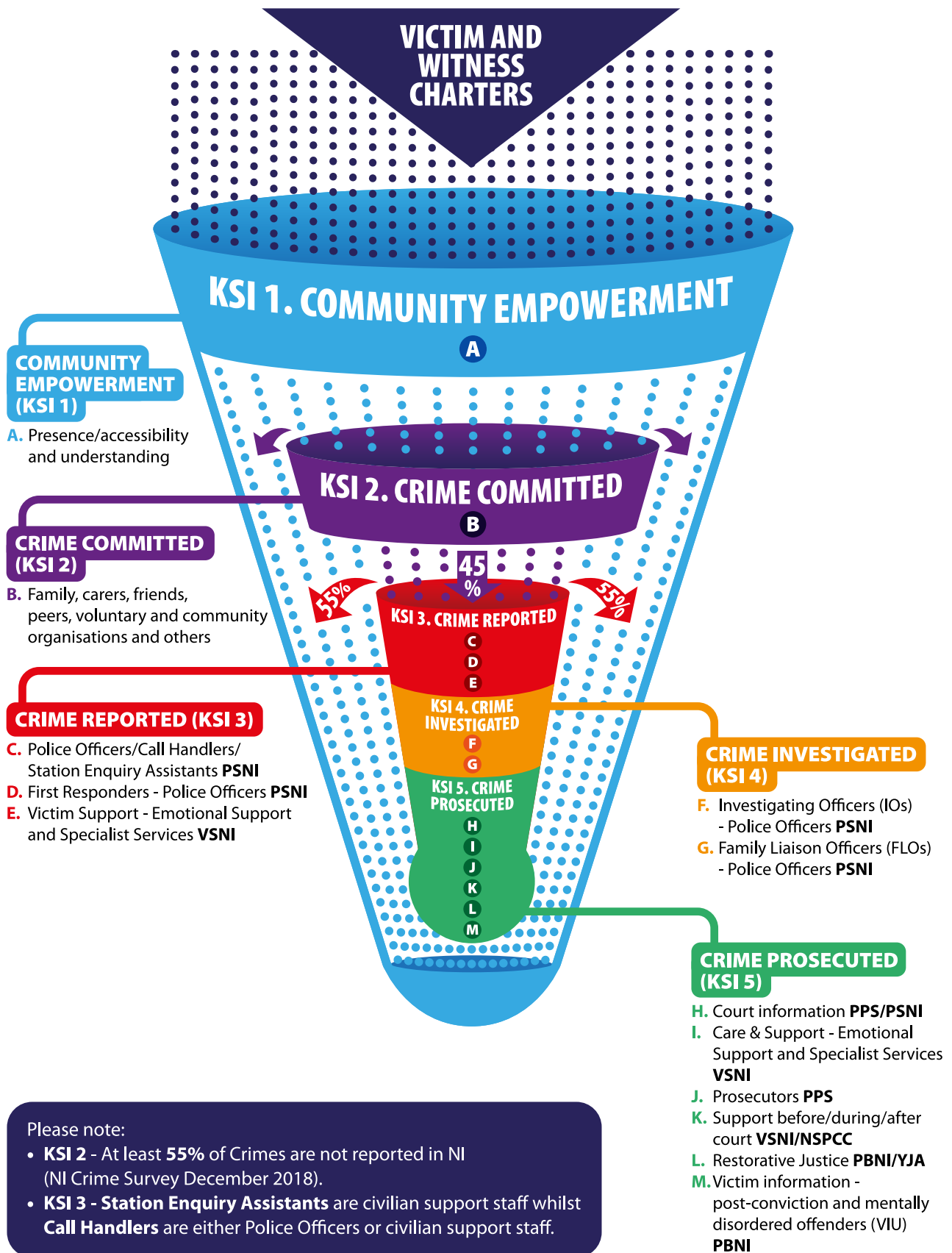
- 1.21 Inspectors were also aware of the NI Government’s commitment to Outcomes Based Accountability (OBA) and development and delivery of a draft Programme for Government (PfG) that acknowledged, not just a need for understanding of the CJS on an ‘end to end basis’, but also of a need for greater understanding of the ‘key stages of the process’.<sup>22</sup>
- 1.22 Utilising feedback received, Inspectors pieced together an emerging picture through the eyes of the victim (diagram 1). The picture identified five key stage interfaces (KSIs) and a number of interactions through which significant engagement occurred between victims and those working within the CJS in NI.
- 1.23 The picture was similar and shared some key stages of the victims’ journey (see diagram 2) but identified two additional areas significantly impacting on the victim journey: (1) Visibility/Strategic positioning and significance of the Charters and (2) Community empowerment. Inspectors used the identified KSIs to focus on key areas impacting on strategy, delivery and outcomes discussed throughout this report, for example, the Charters, functions and roles of officers and staff in the VWCU, front-line staff and service providers.

22 *Draft Programme for Government Framework 2016-21* (2016), p107. NI Government web document available at [www.northernireland.gov.uk/sites/default/files/consultations/newnigov/draft-pfg-framework-2016-21.pdf](http://www.northernireland.gov.uk/sites/default/files/consultations/newnigov/draft-pfg-framework-2016-21.pdf)

**VICTIMS AND WITNESSES**

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

**Diagram 1: The Victims' Journey, Key Stages and Key Stage Interfaces (KSIs)**



**Every victim matters**

1.24 In a consolidated report by the Criminal Justice Inspectorates in E&W in 2015, key findings concluded that, *'there were unacceptable inconsistencies in the service provided to victims – depending on the type of offence, where they happen to live or the degree to which local policies support and reinforce service provision.'*<sup>23</sup>

1.25 It was absolutely clear from CJI engagement that impact was not exclusively linked to those having experienced or witnessed crimes considered to be *"more serious"* offences or *"at the higher end of the scale"* or in which physical harm had been caused.

1.26 While visible physical injury of violent crime was clearly recognisable, the greatest hurt of all was often not the physical injury or pain endured by the victim, it was the emotional and mental impact resulting from their individual experience. Victims, witnesses and families were often exposed to traumatic events that had the potential to change their lives forever. In the most recent inspection on Hate Crime, CJI reported on the accounts of victims who, *'were isolated in their homes, often sitting in the dark to make it look as if they were not in, because of the physical, verbal and mental abuse inflicted by haters'*.<sup>24</sup>

1.27 This report did not therefore limit itself to the view sometimes expressed to Inspectors that the more serious the offence, the more serious the hurt to the victim or survivor. Impact from mental or emotional harm was therefore not measured according to the actual or perceived serious nature of the crime or the extent to which physical injury has been inflicted.

1.28 Some people who Inspectors met strongly rejected the victim label preferring to be known and referred to as survivors, i.e. a person who was able to continue living their life successfully despite experiencing difficulties.<sup>25</sup> Survivors explained this as having and being in control and of making their own choices about their present and future lives.

1.29 There was also a clear expectation that the CJS would support victims and survivors by correctly assessing and interpreting their individual needs and thereby empowering the individual and those around them that could help. Inspectors support a view that injury resulting in mental and/or emotional harm applied equally to all victims and survivors. Treatment of victims, witnesses and families was not hierarchical but about the individual victim's needs.

23 *Meeting the needs of victims in the criminal justice system - A consolidated report by the Criminal Justice Inspectorates (2015)*, p76. Criminal Justice Joint Inspection (CJJI) report available at [www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2015/12/meeting-the-needs-of-victims-in-the-criminal-justice-system.pdf](http://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2015/12/meeting-the-needs-of-victims-in-the-criminal-justice-system.pdf)

24 *An Inspection of the Criminal Justice System's Response to Hate Crime in Northern Ireland (2017)*, p29. CJI report available at [www.cjini.org/getattachment/a48b8a89-f32f-4b02-bd3c-8f77989630eb/report.aspx](http://www.cjini.org/getattachment/a48b8a89-f32f-4b02-bd3c-8f77989630eb/report.aspx) -

25 Cambridge Dictionary online available at [dictionary.cambridge.org/us/dictionary/english/survivor](http://dictionary.cambridge.org/us/dictionary/english/survivor)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

1.30 In the absence of physical symptoms emanating from emotional and mental injury, the vast majority of the population were unlikely to be directly involved with victims or to be able to recognise such injuries and hurt. NI had the lowest level of recorded crimes in the UK. Crime figures for 2017-18 indicated that the risk of becoming a victim of crime remained lower in NI (7.9%) than in E&W (14.4%).<sup>26</sup> However, that level and intensity of engagement was the polar opposite for those delivering services within the CJS.

26 *Summary of findings - Experience of Crime: Findings from the 2017/18 Northern Ireland Crime Survey*. Research and Statistical Bulletin 37/201(2018). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/experience-crime-findings-201718-nics.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/experience-crime-findings-201718-nics.pdf)

## CHAPTER 2: STRATEGY AND GOVERNANCE



### STRATEGY - ENGLAND, WALES AND SCOTLAND

#### New cross-government strategy

- 2.1 In September 2018 Her Majesty's Government (HMG) published a new cross-government strategy to support victims in E&W. The strategy set out, 'a criminal justice system wide response to improving the support offered to victims of crime and incorporates actions from all criminal justice agencies, including the police, CPS and courts.'<sup>27</sup> The Scottish government had no current strategy dealing specifically with victims and witnesses.
- 2.2 A number of areas identifying opportunities for improvement and later discussed in this report had also been identified as areas of priority and commitment by the new strategy for E&W, for example, strengthening the Code, reporting crime, monitoring and transparency of agency compliance, overall victim communication, explaining decisions not to prosecute, Victim Contact Scheme (NI comparative was the Victim Information Scheme), access to pre-trial therapy and special measures, right to review prosecution decisions, support for families bereaved by homicide, police training, services provided by Registered Intermediaries and court environment and facilities.<sup>28</sup>

### STRATEGY - NORTHERN IRELAND

#### Department of Justice (DoJ) Corporate Plan and Business Plan

- 2.3 The DoJ Corporate Plan and Business Plan for 2019-22 identified six areas of priority.<sup>29</sup> Priority Two focused on, 'Supporting Safe and Resilient Communities' and identified a need to work with partners to 'inform and empower' communities, businesses and individuals so that they were protected against becoming a victim of crime.

27 *Victims Strategy (2018)*, p8. Available at [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746930/victim-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746930/victim-strategy.pdf)

28 *Victims Strategy - Executive Summary (2018)*, pp 8/9. Available at [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746930/victim-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746930/victim-strategy.pdf)

29 *Corporate Plan and Business Plan 2019-22*, pp 4&5. DoJ web document available at [drupdocs.intranet.nigov.net/DoJDocs/justice-delivery-directorate/compensation-and-corporate-Support-services/Corporate-Secretariat/the%20department%20of%20justice/doj-corporate-5-business-plan-draft-9.pdf](https://drupdocs.intranet.nigov.net/DoJDocs/justice-delivery-directorate/compensation-and-corporate-Support-services/Corporate-Secretariat/the%20department%20of%20justice/doj-corporate-5-business-plan-draft-9.pdf)



2.4 Informing and empowering the community were themes that also emerged during feedback from victims, witnesses and families and stakeholders and are discussed in Chapter 3 (see Diagram 1 on page 19). For those who had already become a victim it stated that it would provide them with practical support as well as support to others harmed by the crime.

2.5 Priority Three focused on, 'Addressing Harm and Vulnerability' and Priority Six sought to, 'Secure Confidence in the Justice System', by using new and innovative ways of engaging with communities and with its partners and stakeholders.

**Victim and Witness Strategy**

2.6 'Making a difference to victims and witnesses of crime - Improving access to justice, services and support – a five year strategy' (the Strategy) was published in June 2013 by the then Minister of Justice for NI, David Ford.<sup>30</sup> It was the first such strategy to be introduced since justice powers had been devolved to the NI Assembly in 2010.

2.7 The aim of the Strategy was to, 'provide better-quality services, which respond to the needs of victims and witnesses, and secure a more positive experience for those who have contact with the criminal justice system.'<sup>31</sup> The strategy was based on five headline themes around which delivery was to be focused. They were:

- the status and treatment of victims and witnesses;
- communication and providing information;
- providing support and special measures;
- involvement and improved understanding; and
- gathering information and research on the experiences of victims and witnesses.

2.8 The themes identified 51 actions to be delivered in two phases<sup>32</sup>

**Figure 1- Phased Delivery of Actions<sup>33</sup>**

Phase	Delivery period	Actions	Achieved
1	2013 to 2015 (2 years)	30	29
2	2015 to 2018 (3 years) <sup>34</sup>	21	17

30 *Making a difference to victims and witnesses of crime - Improving access to justice, services and support*. A Five Year Strategy, DoJ (2013). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf)

31 *Making a difference to victims and witnesses of crime - Improving access to justice, services and support*. A Five Year Strategy, DoJ (2013), p10, par 23. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf)

32 *Making a difference to victims and witnesses of crime - Improving access to justice, services and support*. A Five Year Strategy, DoJ (2013), pp 50-66, app E. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf)

33 DoJ data updated February 2020. 'Achieved' includes achieved and/or partially achieved.

34 *Victim and Witness Strategy: Action Plan 2015/2018*. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-and-witness-strategy-action-plan-2015-2018.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-and-witness-strategy-action-plan-2015-2018.pdf)

With the collapse of the NI Executive in January 2017 and in the absence of a Minister of Justice, (until January 2020), this had remained the most recent strategy published by the DoJ.

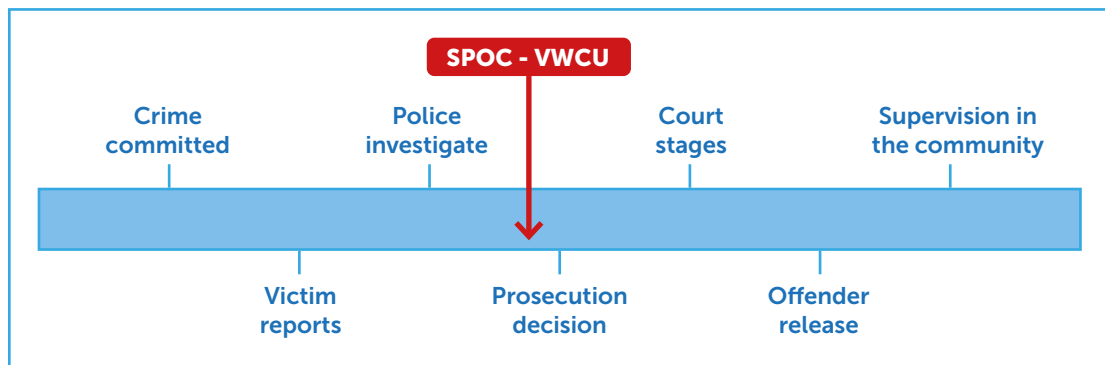
2.9 The DoJ had published a new three year *Victim and Witness Action Plan for 2017-20*<sup>35</sup>. This was in keeping with the Strategy’s original focus that placed responsibility on the Victim and Witness Steering Group (VWSG) to create action plans through which strategy would be delivered. To bring focus on delivery of new actions and initiatives it had taken effect a year in advance of the previous action plan expiring. This resulted in four existing actions being carried over and impacted Phase 2 delivery figures (see Diagram 1 on page 19).

**Strategy and the single point of contact (SPOC) approach**

2.10 In 2012 the PPS in partnership with the PSNI implemented a new service. The VWCU was a key part of the Strategy to improve support and treatment of victims and witnesses. The service sought to provide a much better joined-up approach and a SPOC for victims and witnesses. In 2012, the partnership incrementally rolled out the VWCU through a project pilot implemented in Belfast and with both partners making a 50:50 contribution to the resources required.

2.11 The focus was to *“provide a single informed point of contact for victims and witnesses, from receipt of a police investigation file right through to the conclusion of any appeal and, in fact, up to and including the release of any prisoner who may be in custody”*.<sup>36</sup> When inspected, the remit of the VWCU did not extend beyond the completion of criminal proceedings. By the very nature of the PPS role and the stage at which it engaged with victims and witnesses, this naturally occurred later in the victims’ journey, i.e. when the case arrived with the PPS for prosecutorial decision.

**Diagram 2: A Five Year Strategy (DoJ)<sup>37</sup>**



35 *Victim and Witness Action Plan 2017/2020*. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/victim-and-witness%20-action-plan-2017-2020.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/victim-and-witness%20-action-plan-2017-2020.pdf)

36 Hansard: *Witness Care Unit Project Briefing (2012)* - [www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927\\_witnesscareunitpublicprosecutionservice.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927_witnesscareunitpublicprosecutionservice.pdf) - p3

37 *A Five Year Strategy (2013)*, p44, **app B**. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 2.12 There was an ongoing desire and search for models promoting concepts based on SPOC and 'one front door' approaches within the CJS. When establishing the VWCU in 2012, the PSNI and the PPS fully supported the, *"belief that the provision of a single point of contact for a victim or witness for the whole journey through the criminal justice system would go a long way to improving those communications."*<sup>38</sup>
- 2.13 Inspectors had monitored progress by the Scottish Government in pursuing its aspirations of a 'one front door' model proposed in its recent review of the Justice Sector.<sup>39</sup> A special task force first meeting in December 2018 had already encountered challenges with, *"Acknowledgement that the 'one front door' may be a different front door for different victims"*.<sup>40</sup> Inspectors were not aware of any current successful overall approach delivering such a concept to victims and witnesses and it remained a complex challenge.

## THE CHARTERS

### Strategic positioning and importance

- 2.14 The Charters fully replicated and endorsed the purpose of the EU Directive.<sup>41</sup> Now enshrined in domestic law they had become in effect a formal statement of fundamental minimum rights of people in NI. Services and entitlements under the Charters were mostly only relevant where the crime had been reported to the police and there were criminal proceedings.<sup>42</sup> As such, the Charters now occupied the highest possible strategic positioning and importance in regards to the treatment of victims and witnesses in NI.
- 2.15 The cumulative outcome of efforts identifying entitlement had manifested in the Charters that fully recognised and integrated provisions for Special Measures.<sup>43</sup> Creating the Charters provided enshrinement of entitlement and legal standing but it also created centrality to information needed by victims, witnesses and families. In effect, bringing together all aspects of entitlement and needs surrounding victims, witnesses and families had, for the first time, resulted in creating a doorway and single resource for information across the entire CJS in NI.

38 *Witness Care Unit Project Briefing by the PSNI and PPS (2012)*, p4. Northern Ireland Assembly Official Report (Hansard) available at [www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927\\_witnesscareunitpublicprosecutionservice.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927_witnesscareunitpublicprosecutionservice.pdf)

39 *Review of Victim Care in the Justice Sector in Scotland by Dr Lesley Thomson, QC (2017)*, p54, par 5.81. COPFS web document available at [www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf)

40 *Minutes from the Scottish Victims Taskforce: Single point of contact/Victim-centred approach (2018)*. Scotland Government web document available at [www.gov.scot/binaries/content/documents/govscot/publications/minutes/2019/03/victims-taskforce-minutes-december-2018/documents/victims-taskforce-minutes---december-2018/victims-taskforce-minutes---december-2018/govscot%3Adocument/Victims%2BTaskforce%2Bminutes%2B-%2BDecember%2B2018.pdf](http://www.gov.scot/binaries/content/documents/govscot/publications/minutes/2019/03/victims-taskforce-minutes-december-2018/documents/victims-taskforce-minutes---december-2018/victims-taskforce-minutes---december-2018/govscot%3Adocument/Victims%2BTaskforce%2Bminutes%2B-%2BDecember%2B2018.pdf)

41 *Directive 2012/29/Eu of the European Parliament and of the Council (25 October 2012)*, ch1, art1, par 1. Available at [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

42 *NI Victim Charter: Direct victims of crime (2015)*, p15, par 20. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)

43 *NI Victim Charter: Special measures and additional support for victims with particular needs (2015)*, p22, par 40. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

2.16 Provision of information to victims was a central theme under Articles 3-9 of the EU Directive. Inspectors examined not only what opportunities existed to maximise outcomes in terms of providing information needed by victims, witnesses and families but of a need to empower the entire community through information now available. The concept of the 'one front door' approach so often alluded to by those seeking to improve a route for cohesive centralised access to support within the CJS is also explored in this context.<sup>44</sup>

### Inside the Charters

2.17 Based on the accounts of victims, Inspectors considered how current presentation of the Charters engaged with the needs of individual victims and witnesses. Victims told Inspectors how physical and psychological injury had impacted on them. Some had support from family, partners and friends and they often sought that help in the first instance. However, even when such support was available, victims did not (or at least initially did not) turn in their direction, as the crime had left them with feelings of fear, guilt, self-loathing and personal wrong-doing. Some described a picture of isolation and told Inspectors that they had "nowhere to turn". The Charters needed to result in people reaching out to each individual victim and helping.

2.18 Accessible information was dependent on communication that people could understand and that took account of their different needs. For example, a child who had been a victim of sexual crime was emotionally overwhelmed, traumatised and too frightened to seek support from family or peers or was perhaps without any such support.

2.19 Both Charters were pdf documents located online. They made good use of navigational tools to move around all subject areas identified. The documents, like the DoJ<sup>45</sup> and nidirect<sup>46</sup> websites and webpages on which they were located, were functional and formal. For CJS practitioners, professionals, researchers and academics etc. they were helpful resources for eliciting greater understanding of the Charters and the broader victim and witness landscape.

2.20 They were detailed and informative and signposted a plethora of appropriate service providers and contacts (albeit a few needed updated at time of writing). The Victim Charter contained 94 pages. This was not unique to NI and the size and complexity of the Victim Code in E&W was the subject of criticism and part of current review considerations. It was not until page 15 that the reader learnt who the Victim Charter was for (who was entitled to help and support).

44 *Review of Victim Care in the Justice Sector in Scotland* by Dr Lesley Thomson, QC (2017), p10. COPFS web document available at [www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf)

45 *Services for Victims of Crime*. DoJ webpage available at [www.justice-ni.gov.uk/topics/justice-and-law/victims-crime](http://www.justice-ni.gov.uk/topics/justice-and-law/victims-crime)

46 *Victims and Witnesses*. NI government guidance available at [www.nidirect.gov.uk/information-and-services/crime-justice-and-law/victims-and-witnesses](http://www.nidirect.gov.uk/information-and-services/crime-justice-and-law/victims-and-witnesses)

- 2.21 Interaction with the Charters was dependent entirely on assumptions that victims and witnesses had awareness of the Charters, knew where to find them and were able and capable of navigating to and through them online. Twenty other documents also appeared on the DoJ’s webpage to provide helpful information that included optional Victim Charter versions such as a summary version, versions in multiple languages, a young person’s version and an easy to read version.
- 2.22 Inspectors examined many website platforms hosted by service providers such as the current website for VSNI<sup>47</sup> and the National Society for the Prevention of Cruelty to Children (NSPCC)<sup>48</sup>. When comparing these to statutory platforms on DoJ and nidirect websites, it was clear that they had an approach that encouraged engagement and interaction in a more personal, friendly and inviting manner.<sup>49</sup> Visual presentation, use of appropriate language and communication techniques clearly contributed to enhancing the user experience. Inspectors acknowledged that the DoJ had encouraged through funding, the development of such platforms and see this as a very positive first step.<sup>50</sup>
- 2.23 Inspectors trawled CJA websites and webpages with particular focus on how each promoted the strategic significance and importance of the Charters to victims and witnesses. There was good focus on promoting victim and witness needs but approaches were varied and selective in terms of what Charter information was presented. This resulted in individual and narrowed CJA narratives interpreting Charter content in a way that promoted aspects of entitlement connected with individual areas of CJA delivery. The outcome of this was communication that lacked cross-system strategic cohesion and approach.<sup>51</sup>
- 2.24 The strategic significance and overarching status of the Charters had not effectively been communicated. Inspectors believed that this had unintentionally and negatively impacted on Charter status, significance and presence. It also detracted from their use as a much greater holistic resource through which entitlement, help and support was available.

**Victim feedback**

- 2.25 Inspectors met victims, their family members and friends from across NI. None had heard of the Charters. The strategic significance of the Charters had not translated in a meaningful way that created awareness for victims and witnesses. The door to help and support had been effectively shut to them. Lack of empowerment through lack of awareness had resulted in the inability of victims and witnesses to take control and this had impacted on outcomes that access would have helped them to achieve. This was a significant finding. Those findings highlighted a lack of Charter presence and impact in the community.

47 VSNI website. Available at [www.victimsupportni.com](http://www.victimsupportni.com)

48 NSPCC website. Available at [www.nspcc.org.uk](http://www.nspcc.org.uk)

49 *Being a witness at a MPTS hearing*. Medical Practitioners Tribunal Service (MPTS) weblink available at [www.youtube.com/watch?v=Lmu04xLCUuk&feature=youtu.be](http://www.youtube.com/watch?v=Lmu04xLCUuk&feature=youtu.be)

50 *Behind closed doors domestic abuse amination*. PSNI weblink available at [www.youtube.com/watch?v=vj31gMwlduA&feature=youtu.be](http://www.youtube.com/watch?v=vj31gMwlduA&feature=youtu.be)

51 *Directive 2012/29/Eu of the European Parliament and of the Council (2012)*, par 21. Available at [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

2.26 In the absence of knowledge, Inspectors had explained the purpose of the Charters to all victims, witnesses and families they met. Feedback was positive in relation to accessing information and being signposted to services at a very early stage. Inspectors heard from victims that access to valuable information and signposting “empowered” them to take greater control of a situation in which they often felt “powerless”, “isolated” and “vulnerable”.

2.27 In this context victims spoke strongly about their rejection of the ‘victim’ title and the significance of access to and provision of support services. Access to information and services was seen as a significant contributing factor to regaining lost confidence, building personal resilience and helping to provide the strength and courage needed to “get on with our lives”.

2.28 Inspectors sought evidence that the Charters had contributed in a positive way to understanding key stages in the victims’ journey following the reported crime and consequential commencement of criminal proceedings.<sup>52</sup> There was a lack of awareness by victims of the most probable interactions with CJS practitioners that they were likely to encounter or when these occurred.

2.29 Inspectors were consistently asked to explain the roles of individuals within the journey with whom they had been in contact or alternatively had contacted them after the report of a crime, for example, front-line first response officers or detectives in specialist roles, VSNI, Case Officers (COs) in the VWCU or prosecutors in the PPS. This included interactions up to and even beyond the conclusion of criminal proceedings.

2.30 Lack of understanding had sometimes resulted in frustration, disenchantment, disengagement and even aggressive outbursts of anger with the CJS practitioners involved. There were clear ramifications when relationships deteriorated in this way and had an emotional impact on the victim. The need for greater understanding did not always impede service delivery but it was a key to good communication through which entitlement flowed. Conversely, where this did not exist, the outcome to entitlement was negatively impacted.

### Stakeholder feedback

2.31 The Charters were not driving the work of stakeholders. When Inspectors met with key stakeholder organisations to discuss the Charters there was a strong sense of apathy and disconnection. Some knew about the Charters but generally most had vague or limited awareness of the actual content. Conversations often limited association of the Charters to special measures. When asked about access, there was collective uncertainty in terms of where best to find them in the first instance - “Why would we need them?”

52 NI Victim Charter: Criminal proceedings will start when a crime has occurred and is reported to the police (2015), Footnote 17, p14. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)

2.32 When asked to describe benefits of the Charters to their role in providing services to victims, witnesses and families, this was again an overwhelming “nothing”. One stakeholder organisation told Inspectors, “The only time I have ever used it was to find out what the criminal justice agencies had failed to do correctly”. Another described the Charters as, “nothing more than, look at us, here’s what we do, aren’t we great”. The majority of stakeholder organisations had not directly promoted, connected with or signposted to the Charters in any way, for example, through websites, written communications (paper or email), social media, merchandise or promotional media.

**Police front-line officer feedback**

2.33 Police front-line officers and investigating officers generally had little or no knowledge whatsoever of the Charters. Knowledge was almost always focused on the process (not the victim) that was connected to mandatory compliance with the victims’ entitlement to be updated within 10 days about the investigation of the crime.<sup>53</sup>

2.34 During separate feedback sessions with supervising Sergeants, Inspectors were told that it, “Gives things to count - lip service and not really a service.” Similar feedback was received from officers in a variety of specialist teams and a senior police officer told Inspectors that, “It doesn’t influence what I do.” Like frontline police officers, staff within the VWCU generally associated awareness of the Charters with internal processes to keep victims and witnesses updated.

**An emerging picture**

2.35 The presence, visibility and reach of the Charters needed to improve considerably. Significant challenges existed around communication, internally within the CJS and partners and externally for victims, witnesses and families, service providers, stakeholders and the entire community. This again was a challenge that E&W had identified and sought to resolve.

2.36 A victim will often seek the support of a family member or friend thus reinforcing the need for wider public awareness of, and access to, the Charters.

2.37 The lack of presence, visibility and reach was nurturing a culture in which attitudes to the Charters was an inevitable acceptance of a “job done” and/or a tool to drive agency performance and compliance measured by process activity. In moving forward, the Charters required ongoing stimulation that facilitated new thinking and to their general upkeep and maintenance.

53 NI Victim Charter (2015) - Progress of the police investigation - Standard 1.8: Update from the police about the investigation, p35. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf) -

## Strategic communications

- 2.38 Inspectors believed that the Charters were at risk of falling to a place of strategic insignificance that negatively impacted on delivery of outcomes for victims, witnesses and families. Lack of Charter awareness required a prompt strategic response supported by robust governance to bring about a cultural leadership shift that delivered full access to the help and support available through the Charters. Improved communications was identified as key to this.
- 2.39 Communication was not effective in promoting the Charters. The Charters were not recognised or seen by victims, witnesses and families, the CJS and the community as being significant, strategically important or as a key source to information that provided holistic provision of entitlement, help and support.
- 2.40 While Inspectors endorsed and fully recognised the need for ongoing commitment to support the Charters through future victim and witness strategy and action planning supported by a co-aligned strategic communication strategy, however they believed that other more immediate actions could significantly impact on improved communication outcomes.
- 2.41 **A second option based on a partnership solution that encouraged greater personal ownership by each of the CJAs for the Charters was considered highly desirable and fully supported by Inspectors.** Communicating the Charters by the CJAs was often aligned with the needs of the individual agency and had resulted in varied and inconsistent approaches. Inspectors were convinced that two key areas needed to be addressed:
- development of an effective online victim and witness portal with technical capabilities to channel and connect people with the information, support and protection they needed; and
  - development of a strategic approach delivering joined up cohesive communications by the entire CJS that pointed those in need towards that portal.
- 2.42 Cohesive efficient signposting by the CJAs that connected people to that portal was crucial to any overall solution. This required use of skills and talent already existent across the CJAs and the maximisation of existing communication methods already available and in use by them. This included websites, social media, communications by letter and email, contact by telephone, promotional media and merchandise, victim surveys and engagement at KSIs.



- 2.43 Inspectors also believed that the VWSG was the ideal mechanism through which to achieve such an outcome. For example, the establishment of a Communications Working Group (CWG) derived and consisting of communications experts from within the VWSG membership agencies/organisations/partners and under strategic leadership of an appointed ‘Communications Champion’ sitting as a member of the VWSG. The CWG would support the VWSG in identifying and delivering improvement through a cohesive CJS response developed with existing support from the VWSG membership agencies, organisations and partners.
- 2.44 Legislation for the Charters provided clear vision and created expectations which remained within grasp but as yet were not fully delivered.<sup>54</sup> Improving outcomes for victims was dependent on sustained and constant focus through the cohesive efforts of the entire system. A recent report by Victim Support (E&W) identified and concluded that there, *‘needs to be increased awareness among victims of their entitlements so they know what treatment and services they should receive.’*<sup>55</sup>
- 2.45 Creating a Charter footprint within the community long before the commission of the crime substantially increased the likelihood that future victims and the community became aware of its presence. Opening the door to the Charters was critical to supporting outcomes for victims and witnesses. Enhancing the profile of the Charters and ease of access to them were essential to empowering and enabling victims and witnesses to take control through increased knowledge of entitlement, access to key information and effective signposting to service providers and other support services.

**STRATEGIC RECOMMENDATION 1**

The Department of Justice should implement a strategic communications solution within one year of the publication of this report to substantially raise the profile of the Charters and promote ease of access for all users in the community. Future development of the victim and witness strategy should also be co-aligned with communication strategy.

54 *Justice Act (Northern Ireland) 2015 - Explanatory Note: Victims and Witnesses.* Available at [www.legislation.gov.uk/ni/2015/9/notes/division/3/4](http://www.legislation.gov.uk/ni/2015/9/notes/division/3/4)

55 *Victim of the System - The experiences, interests and rights of victims of crime in the criminal justice process (2017)*, p11. Victim Support web document available at [www.victimsupport.org.uk/sites/default/files/Victim%20of%20the%20System%20report.pdf](http://www.victimsupport.org.uk/sites/default/files/Victim%20of%20the%20System%20report.pdf) –

## **POLICING AND VULNERABLE VICTIMS**

### **National priorities**

- 2.46 The Policing Vision 2025, published in 2016 by the National Police Chiefs' Council (NPCC) identified that, *'Reducing crime and protecting the vulnerable are core priorities for the police service.'*<sup>56</sup> The absence of a working NI Assembly had impacted significantly on the effective delivery of the draft PfG<sup>57</sup> and resulted in a Policing Plan for 2019-20 being developed in the absence of an agreed budget.<sup>58</sup> Budget uncertainty in turn created substantial ramifications for the PSNI and its ability to deliver efficient and effective policing through best use of its resources (discussed in later chapters).
- 2.47 The National Vulnerability Action Plan set out the NPCC's intention to co-ordinate and drive delivery of the National Vulnerability Action Plan across England, Wales and NI.<sup>59</sup> Inspectors explored how key overarching principles connected more broadly with all victims and witnesses and how or if the Charters influenced such approaches. For example, one overarching principle stated that, *'responding to vulnerability includes empowering people to seek their own support networks'*.
- 2.48 In 2016 Her Majesty's Inspectorate of Constabulary (HMIC) inspected how the PSNI dealt with vulnerable people and how it supported victims. At that time, the service was judged, *'to require improvement.'*<sup>60</sup> Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in 2018 found that the PSNI was now, *'good at protecting vulnerable people and supporting victims.'*<sup>61</sup> However, the report set out areas where effectiveness needed improvement including:
- introducing a single, standard form for the referral of vulnerable people;
  - providing preventative health screening for officers in high-risk roles; and
  - issuing clear guidance on when officers should use body-worn video devices.
- 2.49 The 2016 HMIC report had examined the PSNI's approach to, 'Understanding Current Demand' and concluded that, *'the PSNI had a good understanding of the demand that it faced.'* In 2018 HMICFRS reaffirmed that the PSNI had continued to develop in this area. Although only a requirement for forces in E&W, the PSNI had

56 *Policing Vision 2025* (2016), p4, Par 1.5. National Police Chiefs Council (NPCC) web document available at [www.npcc.police.uk/documents/policing%20vision.pdf](http://www.npcc.police.uk/documents/policing%20vision.pdf)

57 *Draft Programme for Government 2016-21*. NI government web document available at [www.niassembly.gov.uk/globalassets/documents/executive-office/reports/pfg-report.pdf](http://www.niassembly.gov.uk/globalassets/documents/executive-office/reports/pfg-report.pdf)

58 *Annual Policing Plan for Northern Ireland 2019-20* (2019). Northern Ireland Policing Board web document available at [www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf](http://www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf)

59 *National Vulnerability Action Plan 2018-2021*(2018). NPCC web document available at [www.npcc.police.uk/documents/crime/2018/National%20Vulnerability%20Action%20Plan\\_18\\_21.pdf](http://www.npcc.police.uk/documents/crime/2018/National%20Vulnerability%20Action%20Plan_18_21.pdf)

60 *PEEL: Police effectiveness (vulnerability) - An inspection of the Police Service of Northern Ireland* (2016), p3. HMIC report available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF)

61 *PEEL: Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland* (2018), p23. HMICFRS report available at [www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf](http://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf)

introduced the Force Management Statement approach.<sup>62</sup> This was reported as having played a significant role in continued improvement to identifying demand.

**PSNI strategic priorities**

2.50 Identifying and proactively intervening to protect and support vulnerable individuals at greatest risk is a strategic priority for the PSNI.<sup>63</sup> The PSNI had, through its Strategic Assessment in 2018 (part of the National Intelligence Model (NIM) process)<sup>64</sup>, identified vulnerability as one of its three strategic priorities. At the time of this inspection, victims and witnesses had not been specifically identified through the PSNI's process of strategic prioritisation.

2.51 The PSNI maintained focus on policing vulnerability utilising the NIM and a process of strategic and tactical intelligence assessment, co-ordination and task allocation. As part of this the Tactical Tasking and Co-ordinating Group (TTCG) was jointly chaired at strategic level by the Assistant Chief Constable (ACC) for District Policing and Temporary ACC for Crime Operations. This strategic alignment ensured continuity through to front-line delivery. There was evidence of effective use of the TTCG at District and Branch level but it was unclear how the current process impacted overall in terms of informing resource allocation and tactical deployment.

2.52 Senior officers had been appointed responsibility as Silver command leads in specific areas of vulnerability, for example, Hate Crime, Older Victims of Crime and Child Sexual Abuse and Exploitation (CSAE). Use of the Gold/Silver/Bronze (GSB)<sup>65</sup> command framework (more normally associated with command of spontaneous incidents and planned operations) was confusing at times, particularly in its correlation to the TTCG structure.

2.53 It was also unclear how best practice in key areas of vulnerability was identified through the current TTCG approach to influence wider service response to vulnerability or how best practice influenced overall victims and witness policy in regard to a wider strategic response supporting all victims and witnesses. The service had also identified officers and staff as organisational leads to drive response in other areas linked directly to the wider victim and witness landscape, for example, Call Management, Repeat victims, Text Messaging Project, Family Liaison Officers, Occurrence Case Management Team (OCMT), Mental Health and Registered Intermediaries.

62 *Force Management Statements (2018)*. HMICFRS webpage available at [www.justiceinspectors.gov.uk/hmicfrs/police-forces/integrated-peel-assessments/force-management-statements/](http://www.justiceinspectors.gov.uk/hmicfrs/police-forces/integrated-peel-assessments/force-management-statements/)

63 *Overarching Theme 2: Protection of People and Communities*. PSNI Annual Report and Accounts for the year ended 31 March 2018 (2018), p18. PSNI web document available at [www.psnipolice.uk/globalassets/inside-the-psni/our-departments/finance-and-support-services/documents/2018-psni-main-report.pdf](http://www.psnipolice.uk/globalassets/inside-the-psni/our-departments/finance-and-support-services/documents/2018-psni-main-report.pdf)

64 *Code of Practice - National Intelligence Model (2005)*. p10, par 5.1.1. Home Office webpage available at [library.college.police.uk/docs/npia/NIM-Code-of-Practice.pdf](http://library.college.police.uk/docs/npia/NIM-Code-of-Practice.pdf).

65 *Gold, Silver and Bronze (GSB) Command Structure*. CoP webpage available at [www.app.college.police.uk/app-content/operations/command-and-control/command-structures/](http://www.app.college.police.uk/app-content/operations/command-and-control/command-structures/)

## Strategic alignment

- 2.54 Increasing the effectiveness of the TTCGs directly linked to performance and delivering outcomes for vulnerable victims. The effectiveness of the TTCG to allocate resource and action was interdependent on close alignment of the draft PfG, Policing Plan and strategic priorities. Inspectors learned that the PSNI was reviewing the effectiveness of the TTCG process (for all strategic priorities) to ensure it remained fit for purpose.
- 2.55 The PSNI had also recently undergone strategic realignment which included the creation of a new Innovation and Standards Department under the leadership of a newly appointed Temporary ACC.<sup>66</sup> A new role within the Department now provided oversight of organisational performance and was led by a Chief Superintendent. The Department had subsumed criminal justice within its portfolio and accordingly was policy lead for victims and witnesses with focus being maintained by a Superintendent.
- 2.56 The current strategic focus on vulnerability had resulted in continued improvement in specific areas impacting on the treatment of vulnerable victims. Significant resource had also been sustained and was providing development and activity to deliver support to the wider victim community. However, vulnerability as a significant component impacted the wider victim community and it was unclear how current strategic approach brought these two elements together to deliver improved holistic performance and outcomes across the entire victim landscape.
- 2.57 A previous CJI report had identified a need for, *'more effective victim's champions within each of the justice organisations.'*<sup>67</sup> The appointment of a Temporary ACC to lead a new Innovation and Standards Department and to champion greater focus on overall treatment and care of victims and witnesses such as performance, policy and VWCU was therefore significant to improving focus and cohesion to improve performance and outcomes across the entire victim community.
- 2.58 The creation of organisational leads (Silver Leads) had brought significant focus to dedicated individual areas of vulnerability. This had contributed to internal recognition and actions delivering new strategic approaches, for example, a wellbeing strategy was published in 2019 to support officers/staff working within the Public Protection Branch.<sup>68</sup>

66 *Our Leadership*. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-leadership/](http://www.psnipolice.uk/inside-psni/our-leadership/)

67 *Chief Inspector's Foreword: The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland - (2011)*, p vi. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

68 *PEEL spotlight report - A System Under Pressure (2019)*, p16. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf)

- 2.59 The Policing Vision 2025, published in 2016 by the NPCC based itself on a model of delivery dependent on, *‘the whole of policing working together collaboratively in the public interest.’* It linked reduction of crime and protection of the vulnerable with a need to, *‘increase partnerships within the community and with other service providers.....’*<sup>69</sup>
- 2.60 The PSNI’s current approach through senior lead officers had contributed through a variety of partnership initiatives and campaigns to support vulnerable victims, for example, ‘Scam? Ask Us’ partnering Post Offices across NI,<sup>70</sup> the ‘Voices’ campaign to highlight Hate Crime in NI,<sup>71</sup> and ‘Speak Out’ to encourage people to report incidents of domestic abuse.<sup>72</sup>
- 2.61 **It was important that dedicated individual areas of vulnerability did not develop as ‘specialisms’ to the exclusion of a broader service response through identified good practice in delivering outcomes for all victims.** The TTCG had a key strategic role to play in terms of resource allocation. The early identification, evaluation and sharing of best practice also had a significant part to play in the overall delivery of outcomes for all victims and witnesses.
- 2.62 Inspectors acknowledged the continued improvement in specific areas impacting on the treatment of vulnerable victims. With a view to increasing outcomes in support of all victims, Inspectors suggest consideration to maintaining strategic focus on vulnerability within a broader overarching theme aligned to the wider victim landscape and incorporated within the Strategic Assessment framework. **The current role of the organisation’s Victim Champion for all victims should also be reconsidered in terms of overall strategic input.**

**STRATEGIC RECOMMENDATION 2**

The Police Service of Northern Ireland should review how the current strategic prioritisation of vulnerability aligns the delivery of outcomes impacting on all victims within three months of publication of this report.

69 *Policing Vision 2025* (2016), p4, Par 1.5. NPCC web document available at [www.npcc.police.uk/documents/policing%20vision.pdf](http://www.npcc.police.uk/documents/policing%20vision.pdf)

70 *Scam - ask us*. PSNI webpage available at [www.psnipolice.uk/news/campaigns/scam-ask-us/](http://www.psnipolice.uk/news/campaigns/scam-ask-us/)

71 *Voices*. PSNI webpage available at [www.psnipolice.uk/news/campaigns/09092016-voices-campaign/](http://www.psnipolice.uk/news/campaigns/09092016-voices-campaign/)

72 *Speak Out*. PSNI webpage available at [www.psnipolice.uk/news/campaigns/domestic-abuse--police-urge-people-to-speak-out-to-stop-it/](http://www.psnipolice.uk/news/campaigns/domestic-abuse--police-urge-people-to-speak-out-to-stop-it/)

LIST OF ABBREVIATIONS

REPORT TERMINOLOGY

CHIEF INSPECTOR'S FOREWORD

EXECUTIVE SUMMARY

RECOMMENDATIONS

CHAPTER 1

**CHAPTER 2**

CHAPTER 3

CHAPTER 4

CHAPTER 5

CHAPTER 6

APPENDICES

## GOVERNANCE

### Criminal Justice Board (CJB)

2.63 The CJB comprised senior representatives from all CJAs, the Lord Chief Justice and senior DoJ officials but key partners such as VSNI and the NSPCC were not members. The key function of the CJB was that of providing, 'strategic oversight of the criminal justice system.'<sup>73</sup> In that capacity it held overall strategic responsibility for victims and witnesses and operated under the chair of a DoJ Senior Civil Servant (in the absence of the Minister of Justice).

2.64 In 2011, CJI reported that, '*the precise role and accountability of the CJB is unclear.*'<sup>74</sup> The report went on to say that the CJB had, '*no executive function or authority. While the CJB is chaired by a Senior Civil Servant in the DoJ, there is no mechanism to hold individual agencies to account.*'

2.65 Sitting below the CJB was the Criminal Justice Programme Delivery Group (CJPDG)<sup>75</sup> and a Victim and Witness Steering Group (VWSG) with the latter having responsibility for day-to-day delivery of the actions in the Strategy.<sup>76</sup> The VWSG was obligated by virtue of its ToR to 'advise' the CJB on certain initiatives and to providing six-monthly reports.

### Victim and Witness Steering Group (VWSG)

2.66 The current role of the VWSG was set out as follows within the ToR and involved:

- implementing the strategy through annual action plans;
- reviewing the impact of the strategy through consideration of available evidence;
- keeping abreast of developments in other jurisdictions and of issues highlighted in the NI Victim and Witness Surveys and Criminal Justice Inspection reports, and agreeing initiatives appropriate for the Group to consider;
- advising the CJB of initiatives, which are not cross-cutting, that may be appropriate for an individual organisation to take forward;
- providing six-monthly reports to the CJB;
- promoting a collective responsibility for improving the experience of victims and witnesses across the criminal justice sector;

73 *Departmental Response to recommendations in the Northern Ireland Audit Office's Report Speeding up justice: avoidable delay in the criminal justice system* (2018), p5. DoJ web document available at [data.parliament.uk/DepositedPapers/Files/DEP2018-0537/Departmental\\_response\\_to\\_NIAO\\_recommendations\\_on\\_avoidable\\_delay.pdf](https://data.parliament.uk/DepositedPapers/Files/DEP2018-0537/Departmental_response_to_NIAO_recommendations_on_avoidable_delay.pdf)

74 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland* (2011), **p71, par 6.10**. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

75 *Criminal Justice Board Update – March 2019* (Role and composition of the Criminal Justice Programme Delivery Group). DoJ webpage available at [nics.intranet.nigov.net/justice/news/criminal-justice-board-update-march-2019-0](https://nics.intranet.nigov.net/justice/news/criminal-justice-board-update-march-2019-0)

76 *A Five Year Strategy: Making a difference to victims and witnesses of crime - Improving access to justice, services and support* (2013). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf)

- a. communicating the cross-cutting policy and strategy within respective organisations, as well as sharing organisational developments and initiatives with the Group;
- b. liaising with colleagues who work on related policy and strategies, or who deliver related services, and sharing information with them; and
- c. encouraging partnership working between statutory and voluntary organisations while recognising the differing contributions of each sector.

2.67 Inspectors examined the current ToR in the context of ongoing improvements to the victim and witness landscape and significance of the VWSG role. **Inspectors believed that the following issues emanating from the 2011 CJI report should be included in the VWSG ToR on the basis of ongoing Charter maintenance and improvement and to further cementing of the partnership:**

- a. The strategic positioning of the Charters was not recognised within the current purpose of the ToR, nor did it set out clear policy direction or governance with specific reference to ongoing maintenance of the Charters. The 2013 Victims and Witnesses Strategy subsequently set out the DoJ's commitment to the Code of Practice for Victims of Crime that was now superseded by the Charters. The implementation and maintenance of the Charters require ongoing commitment that should be recognised within the ToR.
- b. The 2011 CJI report recognised the significant role of the VWSG in delivering key actions and ultimately outcomes for victims and witnesses. This approach was fundamental to the effectiveness of the VWSG. The report recommended that the VWSG required membership consisting of 'Senior Executives' from each of the CJAs who should also be 'appointed as victim's champions' within their respective agency.
- c. The 2011 CJI report recommended that, *'Victim's champions should be responsible to and directly report to the heads of each of the main justice agencies (PSNI/PPS/NICTS/PBNI) on matters that included the implementation of the 'Code of Practice for Victims of Crime'.*

2.68 Proportionate and appropriate representation was extremely important to the cohesive delivery of meaningful outcomes for victims and witnesses. Inspectors believed that membership needed to reflect sufficient seniority and experience and be influential within their own agencies and organisations in order to deliver real outcomes. **The group should also seek other additional wider participation whenever appropriate.** Regularity of meetings was also very important and Inspectors learned that regularity and frequency had diminished from first inception of the VWSG. These issues formed part and were subject to the current ToR.

2.69 The VWSG was required to *'monitor progress and regularly report to the Minister through the Criminal Justice Board'*. In the absence of a Minister, Inspectors found the group to be a forum that met to monitor implementation of strategy rather than steer the strategic policy direction emanating from the CJB as originally intended

by the 2013 strategy. It continued to be chaired by the DoJ (Head of Community Safety Division) and present procedure for the VWSG partners was to provide written updates to the DoJ in advance of meetings. Meetings were managed by an agenda that facilitated inclusion of the most pertinent issues.

2.70 At an unannounced visit by Inspectors on 3 June 2019, one tabled agenda item driven by a recent change to the Chair of the VWSG sought to encourage a more innovative approach to the role and activities of the VWSG and to how it could better meet the needs of its members in terms of their core functions and direction to support outcomes for victims and witnesses. Whilst the response by members was positive and encouraging, the Chair agreed to delay any action in this regard until this report had been published.

2.71 Inspectors understood from the ToR that current membership consisted of the following agencies and partners: the Northern Ireland Courts and Tribunals Service (NICTS), PSNI, Probation Board for Northern Ireland (PBNI), PPS, Northern Ireland Prison Service (NIPS), Youth Justice Agency (YJA), VSNI and the NSPCC. It was noted that the judiciary and the Law Society were not represented. At CJI's unannounced visit Inspectors found attendance to be strong with only one agency unrepresented. At a previous meeting on 9 October 2018 there had been full attendance and no apologies for absence.

2.72 Inspectors acknowledged that whilst various other forums existed to take on specific areas of work in support of victims, witnesses and families, for example, such as progressing the 'Gillen Review' recommendations<sup>77</sup>, the VWSG was central and the only existing forum through which strategic policy direction was administered to provide holistic support to **all** victims and witnesses.

2.73 The VWSG was critical and created the mechanism for progressing key issues and delivering unified support across the entire victim and witness landscape. Although streams of work on specific areas progressed separately, there was a high probability that such issues impacted across the overarching holistic need to support and help all victims and witnesses.

2.74 The strategic positioning and correct membership meant that the VWSG held a key and core responsibility on behalf of all victims and witnesses to ensure that common opportunities and benefits for broader impact and outcomes were not limited to specific victim categories or groups only. Indeed, given the current practice of reporting in advance to the actual meeting, it seemed reasonable that this in itself created opportunities for heightened focus on real-time problem solving, the taking of decisions and the implementation and management of small business projects and pilots delivered through VWSG sub-groups.

<sup>77</sup> *Gillen Review: Report into the law and procedures in serious sexual offences in NI* (2019). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf)



## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 2.75 Inspectors believed that in order to best serve victims and witnesses, the VWSG must have the autonomy to equip itself with the proactive agility needed to enable innovation.<sup>78</sup> It had great potential to become an important tool through which solutions and outcomes could more effectively be delivered when opportunities were identified.
- 2.76 At present and if continuing to act under current arrangements, it was unclear to Inspectors how this would be achievable. A previous CJI inspection identified, ‘a need for improved co-ordination across the justice agencies by the Criminal Justice Board’.<sup>79</sup> Inspectors believed that encouraging greater autonomy and increasing engagement through the VWSG will assist the CJB to deliver improvement through the co-ordination previously identified.
- 2.77 Inspectors examined and found only a small number of issues requiring updating within the actual Charters although this did focus attention on the current approach to their effective maintenance. Given the current lack of presence of the Charters within the VWSG forum, it was not surprising to find a lack of any shared ownership of the Charters by the agencies and the partners represented.
- 2.78 As part of any impact and outcome that the Charters must deliver, it was considered absolutely essential that maintenance of the Charters was an ongoing process. This was essential to ensuring that the Charters remain current and relevant to the victims and witnesses seeking support from them. Inspectors believed that the VWSG was strategically best positioned to deliver this function but that each agency and partner would require to have specific areas of ownership on which to contribute and report.
- 2.79 In addition to earlier comments relating to the ToR, Inspectors also noted that there were no formal oversight arrangements within the VWSG meeting to address the two Charters and nor was this identified within the current meeting agenda being utilised. Inspectors believed that the VWSG was the key forum through which to assess any impact on the Charters arising from changes to legislation, strategic approach, policy change and implementation of plans.
- 2.80 This would enable the VWSG to assess any anticipated impact on the Charters, enable the forum to advise the CJB of the need for review and allow the forum to identify and initiate remedial actions that were deemed necessary. **Inspectors also believed that the Charters should reflect any role that the VWSG has in support of ongoing maintenance and improvement.** This would encourage greater interaction on issues like notification of changes in a service and also help to dispel some perceptions such as “*that’s it done - pop it on the top shelf*”.

78 *Empower and Innovate - Corporate Plan 2019-2222 and Business Plan 2019-2020*, p13. DoJ web document available at [drupdocs.intranet.nigov.net/DoJDocs/justice-delivery-directorate/compensation-and-corporate-Support-services/Corporate-Secretariat/the%20department%20of%20justice/doj-corporate-6-business-plan-draft-9.pdf](http://drupdocs.intranet.nigov.net/DoJDocs/justice-delivery-directorate/compensation-and-corporate-Support-services/Corporate-Secretariat/the%20department%20of%20justice/doj-corporate-6-business-plan-draft-9.pdf)

79 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland*, Chief Inspector’s Foreword (2011), page vi. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

- 2.81 The strategic positioning and appropriate membership of the VWSG also provided key opportunities to positively impact across the CJS for better connecting all communications and key messages (internally and externally). Inspectors identified significant challenges in terms of Charter presence and access and how improved communications could create opportunities moving towards improved outcomes for victims.
- 2.82 The 2013 strategy fully recognised the importance of the VWSG membership to effective delivery and the need for continued review of membership to ensure that it represented all the main delivery agencies. Also, when appropriate, to consider membership from other organisations with expertise relevant to a particular area of focus. Inspectors recognised the importance of membership reviews and endorsed an approach that included consideration of all victim focused organisations and services that received DoJ funding.
- 2.83 Inspectors believed that effectiveness of the VWSG would benefit greatly from membership that included a Communications Champion. **To increase ownership and to further contribute to cohesive purpose, consideration should be given to recruiting this member from expertise currently existing within the membership organisations and partners.**
- 2.84 **Consideration should also be given to rotation of the role annually or a longer period deemed necessary to deliver realistic outcomes. Communications should be considered as forming part of any ongoing review of the existing agenda and as discussed in later paragraphs. Inspectors also noted that there was no external information that promoted the role, work and achievements of the VWSG.**
- 2.85 Stakeholder engagement and inspection fieldwork had indicated a general sense of apathy about the VWSG. This was not directed at the individuals involved but there was frustration about what it actually delivered for victims and witnesses and the CJS. Some described it as having descended over recent years into, *“nothing more than a talking shop”* and some members expressed frustration about their own lack of proactivity and the lack of autonomy to actually deliver through the VWSG’s actions.
- 2.86 The current appetite for review was timely and appropriate. Given changes in the victims and witnesses landscape and previous comments, it would be advantageous to extend the review beyond the agenda. The DoJ should review the current role of the VWSG in consultation with the VWSG partnership. The review should consider the observations and findings in this report. The ToR should be updated to reflect changes and the role of the VWSG should be reflected appropriately within explanatory notes accompanying existing Charter entitlements.

2.87 In 2011 CJI recommended that membership of the VWSG should consist of senior executives from each of the main CJS agencies.<sup>80</sup> It also recommended that the same members should be appointed as the individual agency’s ‘Victims Champion’ and be responsible for and directly report to the heads of their respective agency on a number of key issues. The need for continued appropriate membership as outlined in the initial recommendation had if anything increased.

**STRATEGIC RECOMMENDATION 3**

The Department of Justice should review the role of the Victim and Witness Steering Group within three months of the publication of this report:

- The Terms of Reference should include the Senior Executive recommendations arising from this report; and
- Membership, as stated in Criminal Justice Inspection Northern Ireland’s 2011 strategic recommendation, remains in place and is consistently evidenced, i.e. criminal justice agency membership should be at Senior Executive level. Members should also be appointed as their organisation’s ‘Victims Champion’ responsible for and directly reporting to the head of their respective agency on matters identified in the 2011 strategic recommendation.

**Independent oversight – England & Wales**

2.88 A Commissioner for Victims and Witnesses in E&W had been established in 2004 by virtue of the Domestic Violence, Crime and Victim’s Act and placed responsibility on the Commissioner to:<sup>81</sup>

- promote the interests of victims and witnesses;
- take such steps as s/he considers appropriate with a view to encouraging good practice in the treatment of victims and witnesses; and
- keep under review the operation of the Code of Practice.

2.89 The Victims’ Commissioner for E&W (the Commissioner), since June 2019, Dame Vera Baird QC<sup>82</sup>, was equipped with legal powers to make proposals to the Secretary of State for amending the Victim’s Code, make a report to the Secretary of State, make recommendations to an authority within her remit, undertake or arrange for or support (financially or otherwise) the carrying out of research and to consult any person she thought appropriate.

80 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland* (2011), p4. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

81 *Domestic Violence, Crime and Victims Act 2004*, s48. Available at [www.legislation.gov.uk/ukpga/2004/28/part/3/chapter/3/crossheading/commissioner-for-victims-and-witnesses](http://www.legislation.gov.uk/ukpga/2004/28/part/3/chapter/3/crossheading/commissioner-for-victims-and-witnesses)

82 *An independent voice for victims and witnesses*. Victims’ Commissioner for England and Wales website available at [victimscommissioner.org.uk/](http://victimscommissioner.org.uk/)

2.90 The five overarching strategic aims of the Commissioner were to:<sup>83</sup>

- Work with all criminal justice agencies to ensure that victims of crime and witnesses are treated with humanity and decency at all times, so as to aid their ability to cope and recover from the impact of crime.
- Monitor and report on criminal justice agencies' compliance with the requirements of the Code of Practice for Victims of Crime and the Witness Charter; identifying areas that are deficient and making recommendations based on evidence of best practice.
- Review the provision of victim services on the basis of the four principles identified in 'What Works', namely: communication, procedural justice, interagency co-operation and professionalisation, and make recommendations on how services should develop and improve.
- Through regular contact with victims and practitioners of victims' services, articulate a view of the criminal justice system from the perspective of victims; review and challenge decisions taken by policy makers and those responsible for developing practice.
- Through gaining first-hand knowledge and understanding of victims' services, identify and actively promote examples of best practice and excellence.

2.91 The fundamental function of the Commissioner in E&W was to promote the interests of **all** victims and witnesses. However, the role of the Commissioner faced ongoing challenges in making and shaping change for improvement by the CJAs and recently reported that, *'Appointing Commissioners to undertake deep-dive reviews and then not responding to their findings is disrespectful to victims.'*<sup>84</sup>

### **Independent oversight – NI and Scotland**

2.92 NI did not currently have a Commissioner fulfilling this function. In 2006 the Victims and Survivors (Northern Ireland) Order<sup>85</sup> created a 'Commissioner for Victims and Survivors'<sup>86</sup> in NI. The role of the Commissioner was specific and limited to certain victims and individuals directly associated to conflict-related incidents. Such incidents were defined in the Order as, *'an incident appearing to the Commissioner to be a violent incident occurring in or after 1966 in connection with the affairs of Northern Ireland'*.<sup>87</sup>

83 *The second term strategy*. Victims' Commissioner for England and Wales available at [s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/03/VC-Strategy-2018-19.pdf](https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/03/VC-Strategy-2018-19.pdf)

84 *Victims' Commissioner Annual Report 2018/19*, p28, Par 1.8. Victims' Commissioner for England and Wales available at [s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/06/annual-report-2018-2019.pdf](https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/06/annual-report-2018-2019.pdf)

85 *The Victims and Survivors (Northern Ireland) Order 2006*, par 4(1). Available at [www.cvsni.org/media/1087/victims-and-survivors-order-2006.pdf](http://www.cvsni.org/media/1087/victims-and-survivors-order-2006.pdf) -

86 *The Victims and Survivors (Northern Ireland) Order 2006 - Interpretation: victim and survivor*, par 3(1). Available at [www.cvsni.org/media/1087/victims-and-survivors-order-2006.pdf](http://www.cvsni.org/media/1087/victims-and-survivors-order-2006.pdf) -

87 *The Victims and Survivors (Northern Ireland) Order 2006*, par 2(2). Available at [www.cvsni.org/media/1087/victims-and-survivors-order-2006.pdf](http://www.cvsni.org/media/1087/victims-and-survivors-order-2006.pdf) -

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 2.93 Scotland was in a similar position to NI and did not currently have a Victims' Commissioner. On 27 September 2018 the Scottish Parliament was asked if it would consider establishing a Victims' Commissioner. The response by the Cabinet Secretary for Justice suggested that this position was unlikely to change and responded that, *'funding for victim support organisations is a more effective use of resources'*.<sup>88</sup>
- 2.94 The family of two murder victims recently highlighted the need for a Victims' Commissioner for **all** victims in NI. Michael and Marjorie Cawdery were stabbed to death in a knife attack at their home in 2017, both were aged 83. The son-in-law of the deceased said, *"A victims' commissioner is meant to provide victims with a voice and, at the minute, victims of non-Troubles crimes don't have one."*<sup>89</sup>
- 2.95 There are currently no plans to appoint a Victims' Commissioner for all victims in NI. This would need to be progressed by the recently restored NI Assembly. As a key partner to the NI CJS, VSNI has fully supported the appointment of a Victims' Commissioner for NI. This report further highlights the importance and need for ongoing and dedicated oversight to ensure that the rights of all victims are fully represented and protected and that the CJS has independent oversight to assist it in continued delivery of meaningful outcomes for victims.

88 *Scottish Parliamentary Business, Official Report*, S5O-02412. Available at [www.parliament.scot/parliamentarybusiness/report.aspx?r=11689&mode=html#iob\\_105879](http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11689&mode=html#iob_105879)

89 *Cawdery killings: Family 'discriminated against' as victims (2019)*. BBC news webpage available at [www.bbc.co.uk/news/uk-northern-ireland-49529004](http://www.bbc.co.uk/news/uk-northern-ireland-49529004)

## CHAPTER 3: **DELIVERY AND OUTCOMES: EARLY DAYS AND POLICE RESPONSE**

### **Community empowerment (diagram 1 – KSI 1/interface ‘a’)**

- 3.1 Enhancing the profile of the Charters to a place of prominence in the community was vitally important as was a need for the community to have easy and immediate access to them. Both were essential in supporting and helping victims and in providing information. The CJS effectiveness in providing access to information was vital to outcomes for victims and for many that access to help and support was a vital lifeline.
- 3.2 Like an appropriately placed defibrillator within the community, people quickly became aware of its presence and where to go for it when it was needed. Mere awareness at that stage was adequate and it was need that increased a requirement for access and use of it. Ultimately, it was the choice of each individual whether they made use of it or not. Knowledge and access were completely critical to enabling choice in the first instance.
- 3.3 In 2017-18 over 80% of the Northern Ireland population did not become victims or did not report a crime.<sup>90</sup> While 7.9% were direct victims of crime, the impact on the population and therefore need for access to the Charters was substantially higher in terms of witnesses and families. Insofar as the Charters were concerned, Inspectors accepted that not every member of the community who became aware of the existence of the Charters would have need for access to them.
- 3.4 Some victims may choose not to use the Charters or their personal circumstances may deter or prevent them from doing so. That was a choice or option that victims and communities were entitled to have. However, the Charters must be well positioned in the community and must be easily accessible. Freedom of choice, or a deterrence or preventative circumstance, were not grounds on which to determine need or to withhold access in providing what was a fundamental entitlement.

### **Crime committed (diagram 1 - KSI 2/interface ‘b’)**

- 3.5 Where a crime was committed but not yet reported the need for access to Charters increased significantly. It was not just access for the victims and witnesses but for all those around and close to them. Entitlement to services provided by the Charters reached much further than direct victims and witnesses.<sup>91</sup>

90 *Experience of Crime: Findings from the 2017-18 Northern Ireland Crime Survey - Research and Statistical Bulletin 37/201*, page i. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/experience-crime-findings-201718-nics.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/experience-crime-findings-201718-nics.pdf)

91 *NI Victim Charter: Who can get services under the Charter? (2015)*, pp15/16, par 21-29. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf),

- 3.6 The police did not investigate at this stage and might have had no knowledge of the crime having been committed. Survey results from 2017-18 indicated that 55% of crimes in NI were not reported. This suggested that the actual crime figure was closer to 264,444 crimes (119,000 reported).<sup>92</sup>
- 3.7 Unreported crime remained a major unresolved challenge for the CJS. There was a societal obligation to support victims and witnesses to come forward and to report crime and the CJS needed to do everything it could to support and encourage victims and witnesses in pursuit of that objective. Inspectors believed that easily accessible Charter information created significant opportunities to support, help and encourage victims to reach out to services and to report crimes.
- 3.8 During a visit to Mid and East Antrim Inter Ethnic Forum, Inspectors heard examples where early engagement and intervention had resulted in crimes such as rape and domestic violence being reported to the police when otherwise this would not have been the case.<sup>93</sup>

**Excerpt 1: CJI report reviewing Police and Community Safety Partnerships (PCSPs)<sup>94</sup>**

**Best practice examples from the PCSPs' 2017-18 annual reports**

**The Inter-Ethnic Forum (Mid and East Antrim): Service to victims and witnesses of domestic violence and abuse.**

The Forum provides services to and facilities for victims and witnesses of domestic violence and abuse. This is seen as a safe place by victims and witnesses who can go and discuss initial concerns with bi-lingual advocates who offer support. Facilities are available to meet with the police without going to the police station in the first instance. This goes far beyond any concept to provide a simple alternative method for reporting crime. This collaborative approach working with the police and others ensures that victims and witnesses of domestic violence and abuse are well informed and supported giving them the confidence to meet with the police. Such an approach ensures that cultural differences, language barriers and fears of the 'system' are addressed very early on.

92 *Experience of Crime: Findings from the 2017/18 Northern Ireland Crime Survey Research and Statistical Bulletin 37/2018*, page i. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/experience-crime-findings-201718-nics.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/experience-crime-findings-201718-nics.pdf)

93 *Contact Information: Inter Ethnic Forum (Mid East and Antrim)*. Family Support NI webpage available at [www.familysupportni.gov.uk/Service/6547/ethnic-minority-support/inter-ethnic-forum-mid-east-and-antrim](http://www.familysupportni.gov.uk/Service/6547/ethnic-minority-support/inter-ethnic-forum-mid-east-and-antrim)

94 *Working Together for Safer Communities - A Review of Policing and Community Safety Partnerships in Northern Ireland*, 2019, p44. CJI report available at [www.cjini.org/getattachment/010eb06d-a1b7-46b9-85cd-50af58cb6f98/report.aspx](http://www.cjini.org/getattachment/010eb06d-a1b7-46b9-85cd-50af58cb6f98/report.aspx)

**Case file reviews** - A number of case files examined by Inspectors in previous CJI inspections identified victims that had reported crimes to the police several years after the crime occurred. In one case a woman alleged that 13 years previously she had been drugged, raped and forced to carry out explicit sex acts whilst being videoed by her then husband and in another, a 73-year-old vulnerable mother alleged domestic abuse inflicted on her by her daughter going back for over two years.<sup>95</sup> In another case the alleged crime occurred half a century earlier.<sup>96</sup>

3.9 The impact on those who had suffered in silence and without appropriate support and help was unimaginable. Delay resulted in vital evidence lost through passage of time. Those cases highlighted why increased early awareness and accessible information within the Charters would have led to professional interventions, both in terms of obtaining help from support services and by obtaining support to report the crime perpetrated against them.

3.10 A report by HMICFRS in 2018 commented that Cleveland Police had failed to correctly record 10,800 reports of crime each year and that, *‘Those failings are depriving many victims of the services to which they are entitled.’*<sup>97</sup> Reporting a crime did not automatically open the door to services needed by victims and to which they were entitled. Enabling and empowering victims at every stage of their journey by creating awareness and access to information was a crucial part of the overall picture and one fully recognised in the EU Directive. Opening the Charter door at the earliest possible stage was vital to this.

**Crime reported (diagram 1 – KSI 3/interfaces ‘c’ to ‘e’)**

3.11 The Victim Charter provided detailed information about this stage of the victim’s journey, how to report the crime and the victim information leaflet that victims received once a crime was reported.<sup>98</sup> It was the victim’s circumstances that often dictated how they engaged with the police.

3.12 Reporting could take place immediately or could take several years. Victims could choose not to report the crime in person in the first instance and have very good reasons for that. In such circumstances and as discussed in previous paragraphs, this could fall to some other person, such a family member or a person from a support organisation with whom they had been engaged for support or help.<sup>99</sup>

95 *Without Witness - Public Protection Inspection I: A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland* (2018), p45. CJI report available at [www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx](http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx)

96 *No Excuse - Public Protection Inspection II: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System In Northern Ireland* (2019), p48. CJI report available at [www.cjini.org/getattachment/079beabb-d094-40e9-8738-0f84cd347ae8/report.aspx](http://www.cjini.org/getattachment/079beabb-d094-40e9-8738-0f84cd347ae8/report.aspx)

97 *Crime data integrity/Inspection of Cleveland Police* (2018), par 3.1. HMICFRS report available at [www.justiceinspectors.gov.uk/hmicfrs/publications/cleveland-police-crime-data-integrity-inspection-2018/#overall-crime-recording-rate](http://www.justiceinspectors.gov.uk/hmicfrs/publications/cleveland-police-crime-data-integrity-inspection-2018/#overall-crime-recording-rate)

98 *NI Victim Charter: Section 1: Reporting a crime and the police investigation (2015)*, p30. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)

99 *NI Victim Charter - Third Party reporting (2015)*, p30. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)



## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 3.13 For victims who reported a crime, that first point of contact brought them in touch with police officers, Call Handlers (CH) and Station Enquiry Assistants (SEAs). If for example, a victim attended a police station they were likely to be dealt with by a SEA.
- 3.14 SEAs were not police officers but occupied an important first point of contact role on behalf of the police at Police Stations where they engaged directly with victims. It was a significant point of contact that left immediate and long term impressions. When a crime was committed or required police response, the SEA requested attendance by a police officer through the Contact Management Centre (CMC) where call handling staff assessed, prioritised and arranged appropriate police response. Response was normally made by uniformed First Response (FR) officers.
- 3.15 The public directly interfaced with police officers on patrol. Victims approached recognisable uniformed officers as they patrolled on foot, cycles and vehicles. Normally these were FR officers from Local Policing Teams (LPTs) or neighbourhood officers from Neighbourhood Policing Teams (NPTs). However, by far the most common contact used by victims to report crime to the police was by phone, although the PSNI also provided online platforms to facilitate the reporting of non-emergency incidents.<sup>100</sup>

### Front-line staff - taking the call

- 3.16 Reporting a crime is a huge step for some victims. The crime may have just occurred moments earlier, it may have happened a week previously or it may have happened months if not years in the past. It was not a distant memory for the victim and the hurt, fear and impact of emotional and physical harm was often disguised and kept hidden up to the very point when they reached out to the police and asked for help.
- 3.17 Not all victims were interested in the needs of the CJS. Some needed justice and some did not. Some needed emotional support and others required help in other ways. Recognising and assessing victim needs at the point of reporting a crime was critical to decisions by police on how to respond and how to prioritise that response.
- 3.18 Most knew about the 999 emergency services number that connected directly to police in times of emergency. Less well known was contact for police by the 101 number for non-emergency situations.<sup>101</sup>
- 3.19 In a recent newspaper article, the Victims' Commissioner in E&W highlighted that, *"even when reporting takes place that the vast majority of victims get charged for reporting so called 'low-priority' crimes via the police 101 non-emergency phone*

100 *Online crime report form* (platform for non-emergency incidents). PSNI webpage available at [www.psni.police.uk/makeareport/](http://www.psni.police.uk/makeareport/)

101 *Contact Us (online crime reporting options)*. PSNI webpage available at [www.psni.police.uk/contact-us/](http://www.psni.police.uk/contact-us/)

*line whilst 999 calls were free of charge.*<sup>102</sup> That no longer remained a concern as Government announced in 2019 that all 101 police non-emergency calls would become free from April 2020, including in NI.<sup>103</sup>

**Call Management Centres (diagram 1 – KSI 3/interface ‘c’)**

- 3.20 Calls for service were processed by the PSNI’s CMC strategically placed across NI in three city locations at Belfast, Londonderry/Derry and Armagh.<sup>104</sup> The CH was a police officer or alternatively a member of police support staff (grade SGB1) and part of the overall CMC unit.
- 3.21 CMCs had introduced new Customer Relations Management (CRM) technology as part of ongoing efforts to improve service for the public through effective identification of vulnerability<sup>105</sup>. Staff had undergone training and full implementation was under way at the time of inspection fieldwork.
- 3.22 CHs felt that the new system assisted them in making better use of information and to identify vulnerability. The improvement was part of a wider strategy to align a number of systems and information used within the CMC by staff to better assess calls for service. It was a step closer to the replacement of the ageing Command and Control system that was to be replaced by a new Control Works system.  
**Inspectors supported an approach that provided better outcomes for victims through more efficient access to relevant information.**
- 3.23 A recent joint inspection in E&W of police and the Crown Prosecution Service (CPS) response to crimes against older victims recommended that, *‘Chief Constables should find good ways to assess the current demands on the police made by older people.’*<sup>106</sup> Inspectors were encouraged by the Top Callers process that had been introduced to assist with identifying repeat callers and victims. It provided data and information required to facilitate deeper research and to increase understanding of victims. This had helped to identify specific needs of individuals and groups and in turn was being used effectively as a tool to develop strategic and local problem solving initiatives.
- 3.24 A Telephone Resolution Unit (TRU) had been introduced as part of the CMC. The unit was staffed by experienced police officers who assisted with calls for service, i.e. priority incidents only, where immediate attendance was not required. Inspectors were told that the approach had proved successful during an earlier eight month pilot in Belfast in reducing demand for immediate attendance.

102 *Why must we pay to report crime? Baroness Newlove queries 101 service and says anti-social behaviour out of control* (2019). The Telegraph news webpage available at [www.telegraph.co.uk/news/2019/04/29/must-pay-report-crime-baroness-newlove-queries-101-service/](http://www.telegraph.co.uk/news/2019/04/29/must-pay-report-crime-baroness-newlove-queries-101-service/)

103 *Non-emergency 101 calls to become free* (2019). BBC News webpage available at [www.bbc.co.uk/news/uk-48423791](http://www.bbc.co.uk/news/uk-48423791)

104 *Contact Management Centres*. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-departments/district-policing-command/call-management/](http://www.psnipolice.uk/inside-psni/our-departments/district-policing-command/call-management/)

105 *THRIVE definition of Vulnerability*. CoP webpage available at [www.college.police.uk/What-we-do/Development/Vulnerability/Pages/Vulnerability.aspx](http://www.college.police.uk/What-we-do/Development/Vulnerability/Pages/Vulnerability.aspx)

106 *The Poor Relation - The police and CPS response to crimes against older people* (2019), p17. HMCPSI & HMICFRS report available at [www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/crimes-against-older-people.pdf](http://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/crimes-against-older-people.pdf)

3.25 Attendance by FR officers to priority incidents which did not require immediate attendance had been reduced by 7% during the period.<sup>107</sup> This allowed officers to focus on victims requiring immediate attendance or assistance. Inspectors learned that the TRU approach was in the process of being introduced in H District (Derry City & Strabane) and E District (Armagh, Banbridge & Craigavon).

3.26 The further roll out of the TRUs across NI does provide an opportunity to better target policing resources at victims with the greatest need. A similar approach has been deployed in the recently introduced (Multi-Agency District) Support Hub initiative where non-priority demand for an urgent response has been significantly reduced, for example, Antrim and Newtownabbey District had seen reductions of 52%.<sup>108</sup>

**Call Handlers (diagram 1 – KSI 3/interface ‘c’)**

3.27 CHs were trained and had confident understanding of how to use and apply the Threat, Harm, Risk, Investigation, Vulnerability and Engagement (THRIVE) assessment model. In a recent PSNI Police Effectiveness, Efficiency and Legitimacy (PEEL) inspection, Inspectors commented, ‘*We found good evidence that THRIVE was being correctly and routinely applied*’.<sup>109</sup> This ensured correct police response and identified the most appropriate resource to deal with the incident and provided officers with key information they needed.

3.28 The needs of the individual were carefully considered in a professional but empathetic manner. CHs recognised the importance of lower priority calls and the significance of these to the victim - “*a broken window might be down our list of priorities but is a priority for the victim.*” CHs felt that more needed to be done to manage expectations and to inform the public regarding, “*What police do and don’t do.*”

3.29 Enhanced Crisis Communicators training equipped staff to provide initial communication with vulnerable individuals reported or indicating either self-harm or intentions of suicide and to support other untrained colleagues taking calls of this nature. Several staff had received this training and found it helpful to their role. All CHs now received this training as part of the initial training process.

3.30 An Open University course developed by the College of Policing and the Metropolitan Police had also been undertaken by several CHs. The National Centre for Applied Learning Technologies course, although initially developed for LPT officers, was available to CHs who described it as useful and beneficial to their role in identifying and dealing with vulnerability.

107 Data provided by the PSNI.

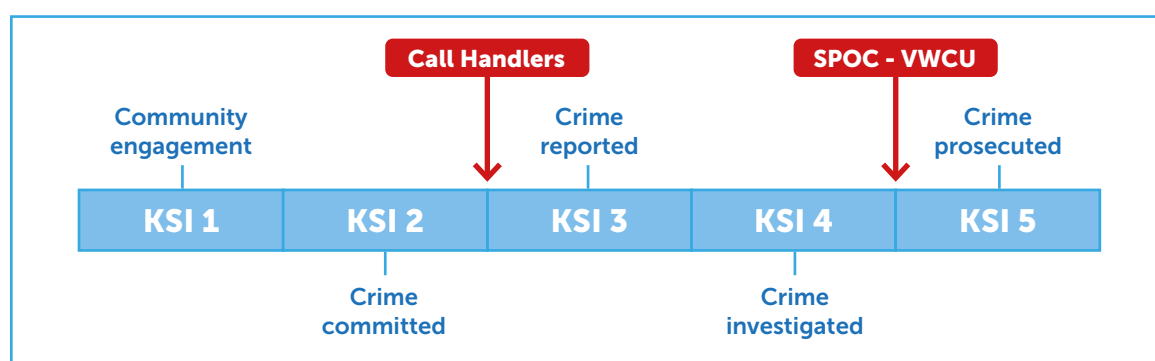
108 *Chief Constable’s report to Northern Ireland Policing Board* (2019). PSNI webpage available at [www.psnipolice.uk/news/Latest-News/060619-chief-constables-report-to-ni-policing-board/](http://www.psnipolice.uk/news/Latest-News/060619-chief-constables-report-to-ni-policing-board/)

109 *PEEL: Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland*, (2018), p24. HMICFRS report available at [www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf](http://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf)

**Connected by vulnerability (diagram 1 – KSI 3/interface ‘c’)**

3.31 Inspectors later examine the role of the Case Officer (CO) attached to the VWCU at KSI 5. COs occupied another key stage with victims and witnesses and accordingly had a high level of engagement. Like CHs the COs were in contact by phone and encountered vulnerable victims. CHs were close to the start of the victim’s journey while COs did not engage until a much later stage. Nonetheless, they were connected by vulnerable victims and a requirement to identify risks and needs and to respond appropriately. COs first dealt with victims at the stage the file was received and this continued through to the court stage.

**Diagram 3: Key stage interfaces for victims, witnesses and families**



3.32 Delay, prosecutorial decisions and impending court appearances were just some of the issues that impacted on the emotional wellbeing of the victim and had an impact with even greater consequences when the victim was vulnerable. In addition to NI Civil Service wellbeing initiatives and Personal Resilience training provided to the Unit, Inspectors believed that experience gained by CH staff and the training they received had good potential to benefit delivery of the CO role and also to support them in terms of personal wellbeing.

3.33 The VWCU partnership between the PPS and the PSNI created an opportunity to develop bespoke training for VWCU staff. The PPS in consultation with the PSNI and VSNI should explore opportunities to further develop induction and continuous training provided to VWCU staff. Good practice and lessons learned through the CMC experience and training provided or made available to the CH role should be considered as part of developing and supporting VWCU staff.

**OPERATIONAL RECOMMENDATION 1**

The Public Prosecution Service for Northern Ireland should introduce enhanced induction and continuous training for staff attached to the Victim and Witness Care Unit within six months of the publication of this report.

**First responders (FR) – attending the call (diagram 1 – KSI 3/interface ‘d’)**

3.34 Evidence from victims fully endorsed their high expectations when it came to FRs. Officers told Inspectors that when dispatched to attend any reported incident that the first question to enter their minds was, “*What do I need to do?*”. Officers talked about immediate priorities and urgent actions to protect and help people, protect property, investigate, preserve and secure evidence, make arrests, apprehend absconding perpetrators, summon emergency services and so on. Approximately 30% of crimes did not progress to prosecution due to evidential difficulties.<sup>110</sup>

3.35 Initial information provided to the officer when first dispatched, the nature of the crime, what confronted them and the information gleaned on arrival dictated the prioritisation of actions needed. It was a point in time when the needs of the victim and the needs of the CJS did not necessarily align.

3.36 Focus groups engaging with FR and line managers (Sergeants and Inspectors) reiterated the need for priority actions at the incidents they attended. A separate focus group of experienced Detectives reiterated the pressures placed on FRs to get it right first time in terms of priorities and evidence.

**Increasing pressures (diagram 1 – KSI 3/interface ‘d’)**

3.37 There was a strong cohesive view from FR officers that the FR role needed organisational recognition as a specialist role in order to retain and attract some of the organisations best officers. A recent spotlight report by HMICFRS provided emerging themes from the first group of 2018-19 PEEL inspections. It found that the police workforce was coming under increasing pressure and raised concerns about the health and wellbeing of officers including awareness of and access to professional support - *‘Sometimes staff and officers can’t access support because of lack of awareness, staff shortages, and the volume and pressures of work.’*<sup>111</sup>

3.38 Officers spoke about the variety of calls attended during their shift some of which required specialist police support but all requiring a professional police response. Further insight was obtained when Inspectors noted calls for service during a night shift at Lisburn Road, Belfast in June 2019. Incidents attended by FRs included searches for a vulnerable missing person, dealing with sudden death, a domestic incident (resulting in arrests), thefts, antisocial behaviour, suspicious behaviour, drink driving, assaults and alarm activations.

3.39 Officers were most likely to have arrived from another incident and to have other calls awaiting their response. Inspectors were told by officers that they often had calls for service “*stacked*” and awaiting their attendance while also having tasks allocated by supervisors such as execution of warrants and patrolling crime

110 *Outcomes of Crimes Recorded by the Police in Northern Ireland 2015-16 to 2017-18* - Annual Bulletin (2018), p4. PSNI web document available at [www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-crime-outcomes-in-northern-ireland-2015-16-to-2017-18.pdf](http://www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-crime-outcomes-in-northern-ireland-2015-16-to-2017-18.pdf)

111 *PEEL spotlight report (2019) - A System Under Pressure*, p16. HMICFRS report available at [www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf](http://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf)

hotspots. FR officers told Inspectors that they found it extremely difficult to provide a high quality service to victims because of the sheer volume of tasks and calls for service allocated to them. Inspectors heard examples (see below) and officers expressed feelings of anxiety due to the lack of time available to spend with victims due to other stacked calls.

**Example -** A terrified elderly widow living alone in a city area had been victimised by young people banging on her windows and shouting through her letter box in the early hours of the morning and had been left completely traumatised by what had happened. So great was the impact that she was simply terrified to leave or to be left alone in the home that she had lived in so happily for many years. Police responded, had dealt with the incident but had to leave the woman alone to deal with another incident.

**Good practice -** One recent initiative introduced the Support Responder Scheme.<sup>112</sup> The scheme partnered with St John Ambulance (volunteers) to provide immediate practical and emotional support to older people when they became victims of a crime. FR policing was both demanding and demand driven. Officers provided accounts where they had left victims to attend the next urgent call. This clearly upset the officers who Inspectors had met. The scheme supported elderly victims in such circumstances. St John Ambulance volunteers worked in pairs and attended the victim within 90 minutes of being tasked by police. The scheme which was still in its infancy, received funding from the Commissioner for Older People for Northern Ireland (COPNI) and the Department of Justice. The COPNI said, *“Older people who are victims of crime tell me they need emotional support immediately after the trauma of a crime having taken place”*.

3.40 When not attending calls FR officers also detected offences and engaged with the public reporting crimes or seeking help, support and advice. Some crimes were passed to dedicated police investigation teams and specialists or were later allocated to them when the full facts became clear. Nonetheless, a substantial volume (approximately 64%) of investigations remained with uniformed officers responsible for FR.<sup>113</sup>

3.41 Officers were supported by Case Progression Teams (CPTs) of officers working in the background to support frontline officers who had completed their probationary period. They took over cases referred to them after 72 hours when there was an identified suspect and the officer had completed all initial enquiries possible.

112 *Support Responder Initiative launched to support older victims of crime* (2018). Commissioner for Older People for NI webpage available at [www.copni.org/news/2018/november/support-responder-initiative-launched-to-support-older-victims-of-crime](http://www.copni.org/news/2018/november/support-responder-initiative-launched-to-support-older-victims-of-crime)

113 Data provided by PSNI systems based on ongoing investigations at 31-01-20 and subject to daily change.

3.42 Officers said they seldom got time during patrol duties or other dedicated investigation time (officers referred to this as ‘file time’) to make all the appropriate and necessary enquiries needed for ongoing investigations. Supervisors reported juggling delivery of day-to-day FR demands against the resource available to them. Inspectors were told that demand on resource was constantly exacerbated by the impact on resource resulting from necessary deployment to deal with vulnerable missing people.

3.43 A second demand was described as requiring police to spend hours and sometimes days providing personal care to vulnerable individuals taken to hospital. All officers spoken to described the latter as a totally inappropriate use of police resource. Against this background officers accrued investigations but said they lacked dedicated file time to complete investigations and paperwork.

**Pressure recognised - (diagram 1 – KSI 3/interface ‘d’ and ‘e’)**

3.44 At the 2019 Police Federation for NI Conference the Chairman spoke about recent feedback from frontline officers obtained through a second Workforce Survey. Findings indicated that around 75% of those who had taken part reported that, ‘when the pressure builds, they are expected to work faster, even if it meant taking shortcuts’ and over 80% reported that, ‘they didn’t have enough officers to manage all the demands made on them as a team’. Adding to the pressures for FR officers he said was, “the very real threat of punitive disciplinary action being taken, if and when they get it wrong, never far from their minds.”<sup>114</sup>

3.45 The current pressures on the PSNI had been fully acknowledged and the Chief Constable recently reiterated this position, “My priority is to deal with the day-to-day operational challenges of providing a good service to communities right across Northern Ireland, but the vacuum certainly isn’t helpful.”<sup>115</sup> The PSNI in responding to the Government’s recent pledge of an extra 20,000 police officers by 2022 in E&W was for a similar commitment to NI and the recruitment of 800 officers for the PSNI.

3.46 A recommendation 20 years previously by the Patten Report for ‘approximately 7,500 full time PSNI officers over the next ten years’ (1999-2009) was agreed by Government. The PSNI were currently delivering services with around 6,700 full time officers.<sup>116</sup>

114 *Police union highlights ‘low morale’ among officers* (2019). BBC News webpage available at [www.bbc.co.uk/news/uk-northern-ireland-48526609](http://www.bbc.co.uk/news/uk-northern-ireland-48526609)

115 *PSNI chief Simon Byrne calls for more officers to be recruited* (2019). BBC News webpage available at [www.bbc.co.uk/news/uk-northern-ireland-49432427](http://www.bbc.co.uk/news/uk-northern-ireland-49432427)

116 *Patten Report* (2001), Recommendation 105, p43. Available at [cain.ulster.ac.uk/issues/police/patten/patten2001.pdf](http://cain.ulster.ac.uk/issues/police/patten/patten2001.pdf)

**Provide information (diagram 1 – KSI 3/interface ‘d’ and ‘e’)**

- 3.47 Victims depended on a process and a partnership between the PSNI and VSNI to effectively provide appropriate first response activity, provision of victim information and subsequent follow-up to the victim by provision of care and support services. It was the key stage interface where the CJS attempted to communicate victim entitlement to information established under the Victim Charter and the EU Directive. FR officers who arrived to deal with the alleged crime were the critical component to the success of this outcome for victims and witnesses.
- 3.48 Officers were required to provide a five section fold out leaflet to the victim.<sup>117</sup> In such environments officers engaged with some of society’s most vulnerable and traumatised individuals. Inspectors believed that the ‘Emotional Intelligence’ of officers was crucial to balancing competing needs of victims and essential initial actions by police. Many of those actions were by their very nature confrontational and unpleasant for all concerned.
- 3.49 Article 3 of the EU Directive was unambiguous in regard to victims ‘Right to understand and to be understood’. The Directive sets out clear expectations dealing specifically with this first point of contact between a victim and, ‘a competent authority’ and the information provided by that authority. Key to this was a requirement, ‘to assist victims to understand and to be understood.’ The leaflet provided an extensive and wide range of topics and information.
- 3.50 Current PSNI policy dictated that victims, ‘*must be provided with an Information for Victims of Crime leaflet at the time of report and without unnecessary delay after reporting the crime.*’<sup>118</sup> The leaflet also included advice to the recipient that, ‘*The police will automatically pass your details to VSNI and other criminal justice organisations, so you can be offered information on additional services (including support services). They can advise on medical support or alternative accommodation should this be required as a result of the crime. Arrangements for sharing information between VSNI and the PSNI operated under a formal information sharing agreement introduced in 2015.*’
- 3.51 Once a leaflet had been provided,<sup>119</sup> the officer was required to contact the CMSU and confirm that the leaflet had been given. The PSNI record management system (Niche RMS) was updated and VSNI provided with victim details to facilitate contact and service provision. VSNI did not currently provide specific pre-court community services to young people although Inspectors understood that support could be offered to young people as part of supporting the family through the community service. Inspectors also confirmed that a specific pre-court community service for young people was under consideration by the DoJ.

117 *Information for Victims of Crime*. DoJ website leaflet available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/information-for-victims-of-crime.PDF](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/information-for-victims-of-crime.PDF)

118 *Supporting Victims and Witnesses SI1317* (2018). PSNI Service instruction. This internal PSNI document is not publically available.

119 Approximately 100,000 copies are printed and provided to police each year by the DoJ.



## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 3.52 When officers were asked if they always left the leaflet the vast majority confirmed that they did. Other responses confirmed that this was not always the case and the reasons for this included availability of the leaflet (they forgot to bring one/or it was not available at the station) or they simply forgot amidst all other ongoing activity previously outlined. Some officers returned at a later stage to provide the leaflet when necessary.
- 3.53 Some asked victims if they wanted to be referred to VSNI and that sometimes resulted in victims declining. CMSU then updated the system to indicate that VSNI were not required. This practice created a disparity in terms of the policy and the accounts provided by the majority of other officers.
- 3.54 Officers also pointed out that the current practice of leaving a leaflet did not guarantee that the victim would become aware of their entitlements or of their right to decline the PSNIs' sharing of their information with others such as VSNI.<sup>120</sup> To ensure entitlement to decline, some officers felt they needed to ask victims if they were in agreement with their personal data being shared. Inspectors had also been told by victims that they had not requested contact or letters from VSNI and did not know how VSNI had obtained their personal data in the first place.
- 3.55 The current policy lacked guidance on how to deal with the provision of the leaflet when it came to various victim needs, such as language barriers, vulnerable individuals, those with reading or vision difficulties and young people. Some said they provided leaflets to parents or carers or that they left it sitting in a prominent place. The impression left with Inspectors was that officers tried to make it work even when it didn't.
- 3.56 In the event that various leaflet productions could meet every individuals needs and where guidance existed for every potential scenario, it seemed entirely unrealistic that this would result in a practical and workable solution that benefitted the victim and ensured that the officers complied with the requirement placed on them. Officers commented on the extent of leaflets and other necessary paperwork that they were required to bring with them and carried in a patrol folder when attending incidents. They also carried additional leaflets for support services by choice as they felt these offered the best help and signposting for victims in specific circumstances.

120 *Justice Act (Northern Ireland) 2015 - Power to disclose information*, Schedule 3. Available at [www.legislation.gov.uk/niu/2015/9/schedule/3](http://www.legislation.gov.uk/niu/2015/9/schedule/3)

**Excerpt 2: Front-line First Responders – patrol folder**

*Form 38/36 - Witness Statement forms (incorporates Witness Care Report) - Suspect Statement forms - Collision Report Form - Incident Scene log booklet - Sexual Crime Log booklet - Various DOJ leaflets (e.g. Victim of Crime) - Community Resolution Notices - Penalty Notices for Disorder booklet £45 fine - Penalty Notices for Disorder booklet £85 fine - Traffic Offences - Fixed Penalty Notices - Witness care forms - DASH forms (for all domestic incidents) - Court Liaison Officer forms - Form 19 - Sudden death forms - Custody booking-in sheets - Useful contact directory - Form 57 - missing persons form*

- 3.57 When officers had not informed victims that their personal details would be shared with others, the leaflet became the sole source that alerted the victim to information sharing arrangements. In these circumstances, victims relied firstly on being given a leaflet, reading the leaflet and being able to understand the leaflet. In relation to personal data, the online version of the leaflet points out that the victim, 'should have the right to ask for your details **not** to be shared at any time.'<sup>121</sup> This option was missing on paper versions used by officers and examined by Inspectors.
- 3.58 The online version of the leaflet described the information sharing process and hyperlinked users to a highly detailed six page PSNI document entitled, 'How we use your personal data.'<sup>122</sup> **Inspectors found the document to be out of synchronisation with the EU Directive instruction on how information should be provided by 'competent authorities' and not in the spirit of 'simple and accessible language'.**
- 3.59 Policy was focused on process around giving a leaflet that offered little assurance in regard to provision of information. Delivery of a leaflet that did not necessarily mean provision of key information and referral to VSNI was influenced by a variety of approaches applied by individual officers. Provision of information depended on a paper leaflet in an environment in which officers were often focused on pressing priorities. Leaflets were not always given or perhaps given but in scenarios for which the present leaflet was not suitable.
- 3.60 Regardless of what CMSU was told by the officer, there was no audit trail on actual giving of leaflets on which provision of information depended. Audit of this nature would require a further level of victim interaction not necessarily welcomed amidst an already busy victim landscape of interaction. In 2017-18 PSNI front-line responders attended 23,933 emergency calls and 274,438 normal rated calls for response.<sup>123</sup>

121 *Information for Victims of Crime*. DoJ website leaflet available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/information-for-victims-of-crime.PDF](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/information-for-victims-of-crime.PDF)

122 *How we use your personal data*. PSNI web document available at [www.psni.police.uk/globalassets/advice--information/information-about-yourself/documents/how-we-use-your-personal-data.doc](http://www.psni.police.uk/globalassets/advice--information/information-about-yourself/documents/how-we-use-your-personal-data.doc)

123 Data provided by the PSNI.

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 3.61 Current practice identified concerns about the effectiveness of the process. It raised questions about timing and the paper leaflet method still in use. This scale of deficit was unknown but left victims without key information and possibly support services. Across all sweeps of the NI Victims and Witness Survey (NIVAW) survey (2008-09 –2016-17), fewer than two fifths of respondents reported having had contact with VSNI at some stage in the process.<sup>124</sup>
- 3.62 Provision of key information by the CJS depended on the current process. This occurred at a time when victims were often traumatised and in need of medical and emotional or other support. It also depended on the victim's ability and desire to read the information left in a paper leaflet.
- 3.63 Provision of key information that relied on the actions of a single police officer to deliver a paper leaflet in often very busy and complex live operational environments required renewed consideration by the CJS that explored opportunities through more up to date approaches.
- 3.64 The process of providing the victims leaflet had operated since 2000 and predated the introduction of the Charters. Inspectors believed that greater overall awareness of the Charters could impact significantly on access to and provision of information. The PSNI in partnership with VSNI and with strategic support from the DoJ should review the current practice of providing victim information by the Victim of Crime paper information leaflet.
- 3.65 The PSNI and VSNI should establish a joint protocol to enhance operational delivery in key partnership areas, for example, detailing roles and responsibilities, communications and meetings with effective regularity.<sup>125</sup> Consideration should be made to wider CJS solutions, improved use of communication technology and earlier and later intervention during the victims' journey. The review should link in with work to include a wider communications solution (or strategy) to promote and raise the profile of the Charters.

### OPERATIONAL RECOMMENDATION 2

The Police Service of Northern Ireland in partnership with Victim Support Northern Ireland should review practices for the provision of victim information by police first responders to victims within six months of the publication of this report.

124 NIVAWS: *Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System* (2017), p3. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

125 An agreement was in place between PSNI and VSNI dealing specifically with information sharing (see paragraph 3.49).

**Training (diagram 1 – KSI 3/interface 'd' and 'e')**

- 3.66 The EU Directive specifically dealt with appropriate initial and ongoing training of police staff and others who were in personal contact with victims. The Northern Ireland Police College was responsible for the delivery of all PSNI training and development<sup>126</sup>. The Student Officer Training Programme (SOTP) delivered by the NIPC currently signposted VSNI within aspects of its training to new officers. Inspectors learned that there was no formal collaborative partnership between the two organisations to enhance training for student officers.
- 3.67 Preceding paragraphs deal specifically with the current processes surrounding the use and issue of the Victim of Crime information leaflet provided by officers. This had resulted in a view held by some that the leaflet was nothing more than another process driven demand in an already overcrowded and busy environment (see Operational Recommendation 2).
- 3.68 VSNI was a key partner and service provider throughout the journey of the victim. FR officers sometimes failed to recognise the importance of this relationship to victim outcomes and the obligations placed on them, not only to provide information but of the right of the victim to 'understand and to be understood' when such information was provided.
- 3.69 Inspectors found little evidence to support a finding that officers recognised that it was their efforts that connected victims to support and services extended by VSNI. The task was viewed purely as one of delivery of a leaflet and did not always extend to meaningful understanding of what VSNI actually did or how this connected with the needs of the victim. Conversely, officers reported that they never received feedback from VSNI and this lack of engagement further undermined the relationship and fuelled disconnect between identification of victim needs and meaningful outcomes for victims.
- 3.70 The connection between the FR officer's role and delivery of support services was inextricably linked. The officer's role was absolutely critical to opening the door to the victim at a critical key stage interface. Victims were dependent on the officer to supply and communicate appropriate information and VSNI were likewise dependent on the skill of the officer to communicate effectively.
- 3.71 Inspectors believed that direct engagement and ongoing collaboration with VSNI will benefit victims through future considerations in the development of the SOTP and thereafter to ongoing training delivered by District Training.

126 Northern Ireland Police College. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-departments/operational-support/northern-ireland-police-college/](http://www.psnipolice.uk/inside-psni/our-departments/operational-support/northern-ireland-police-college/)

- 3.72 Officers when attached to District must continue to receive training that reinforces the significance and relevance of this key stage interface and partnership between front line officers and VSNI. Inspectors noted that District Training was strategically led by the PSNI’s District Policing Command and not the NIPC with input only coming from the NIPC via the District Trainer Forum.<sup>127</sup> It was unclear to Inspectors how input by VSNI at NIPC level would strategically permeate the entire Service.
- 3.73 Inspectors considered this in the context of strategic consistency across all training, including organisational resilience to meet increased demand, national influence, strategic and other organisational priorities, cultural norms and the quality of training delivery etc. Inspectors recognised the important need to maintain effective input by District Policing Command in order to deliver local policing priorities. **The PSNI should consider current arrangements for District Training to ensure that current strategic alignment meets the needs of the organisation.**
- 3.74 Evidence supported the need to enhance officer knowledge of the Charters, their strategic positioning and importance, the entitlements afforded by them and the obligations placed on the police to provide information and support. There was also an identified need to enhance knowledge of the significant contribution required by FR officers in connecting victims and witnesses to real support through the PSNI partnership with VSNI.
- 3.75 The effectiveness of the partnership was tantamount to the effective delivery of outcomes for victims. The NIPC working directly in partnership with VSNI should consider the findings and observations of this report with a view to enhancing the SOTP and District Training Programme.

**OPERATIONAL RECOMMENDATION 3**

**The Police Service of Northern Ireland should review Victim Support Northern Ireland input to Student Officer and District Training within three months of the publication of this report.**

**Assessing risk and identify needs (diagram 1 – KSI 3/interface ‘d’)**

- 3.76 The skills of officers and staff engaging with victims, witnesses and families throughout their journey were critical to identifying individual risk and needs. Police officers and staff were trained to identify risks and needs using assessment tools to assist in making key decisions on how police respond to calls for service and the nature and priority of that response.

<sup>127</sup> District Policing Command. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-departments/district-policing-command/](http://www.psnipolice.uk/inside-psni/our-departments/district-policing-command/)

LIST OF ABBREVIATIONS

REPORT TERMINOLOGY

CHIEF INSPECTOR'S FOREWORD

EXECUTIVE SUMMARY

RECOMMENDATIONS

CHAPTER 1

CHAPTER 2

CHAPTER 3

CHAPTER 4

CHAPTER 5

CHAPTER 6

APPENDICES

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 3.77 As discussed in previous paragraphs (see CHs), police officers and staff currently utilised a number of risk assessment tools to support them in making key decisions on prioritising calls for service. A recent PEEL inspection by HMICFRS in 2018 acknowledged that the PSNI had made 'significant progress'.<sup>128</sup> A more recent inspection by CJI reported that, 'when vulnerabilities of the victim were appropriately identified this was mainly by the CH or the first responder'.<sup>129</sup>
- 3.78 FR and investigating officers were also using risk assessment tools when dealing with certain types of vulnerable victims, for example:
- DASH (domestic abuse, stalking and honour-based violence) risk assessment form;<sup>130</sup> and
  - VRAM (Vulnerability Risk Assessment Matrix) - risk assessment form for Hate Crimes.<sup>131</sup>
- 3.79 The 2018 PEEL report commented that when an incident was not domestic abuse related that the PSNI had no standard form for referring vulnerable people to support agencies. It concluded that consideration should be given to the introduction of a standardised referral form for vulnerable people, to ensure greater consistency in the safeguarding support provided.<sup>132</sup> The report also recommended that officers should be able to complete DASH assessments on their mobile data devices.<sup>133</sup>
- 3.80 In 2019 CJI found that although the PSNI had a high completion rate for DASH forms the quality of the completed forms was a cause for concern. It also noted inconsistent supervision of the content of the form. CJI identified that 14.3% of the cases examined failed to appropriately identify vulnerability.
- 3.81 FR and investigators were also required to identify needs of vulnerable and intimidated witnesses from the outset so that witnesses could receive the support needed to enable them to give their best possible evidence in court. Officers were also required to explain the Special Measures available.<sup>134</sup>

128 PEEL: *Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland* (2018), p10. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf)

129 *No Excuse - Public Protection Inspection II: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in Northern Ireland* (2019), pp46/47. CJI report available at [www.cjini.org/getattachment/079beabb-d094-40e9-8738-0f84cd347ae8/report.aspx](http://www.cjini.org/getattachment/079beabb-d094-40e9-8738-0f84cd347ae8/report.aspx)

130 *No Excuse - Public Protection Inspection II: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in Northern Ireland* (2019), p49. CJI report available at [www.cjini.org/getattachment/079beabb-d094-40e9-8738-0f84cd347ae8/report.aspx](http://www.cjini.org/getattachment/079beabb-d094-40e9-8738-0f84cd347ae8/report.aspx)

131 *An Inspection of the Criminal Justice System's Response to Hate Crime in Northern Ireland* (2017), p24. CJI report available at [www.cjini.org/getattachment/a48b8a89-f32f-4b02-bd3c-8f77989630eb/report.aspx](http://www.cjini.org/getattachment/a48b8a89-f32f-4b02-bd3c-8f77989630eb/report.aspx)

132 PEEL: *Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland* (2018), p25. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf)

133 PEEL: *Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland* (2018), p1. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf)

134 *Supporting Victims and Witnesses SI1317* (2018). PSNI Service instruction. This internal PSNI document is not publically available.

- Primarily, this was to ensure that the need for Special Measures were at the forefront of an officer’s mind at the earliest opportunity. When determining witness eligibility for Special Measures the Victim Charter definition of ‘vulnerability’ was applied.<sup>135</sup>
- 3.82 Information was captured on a Witness Care Form located on the reverse side of Form 38/36 (Witness Statement). The Witness Care Form was completed when officers recorded the victim’s statement which was sometimes weeks or months after first report. Officers didn’t demonstrate and seldom recognised the importance of continual needs assessment following initial completion of the Witness Care Form unless initiated by the victim or witness.
- 3.83 Victims’ needs could change considerably before the case was sent to the PPS (this could be months or years later). The next needs assessment or reassessment (called an Initial Needs Assessment) was carried out by the VWCU (discussed at Chapter 4). The Witness Care Form was largely a tick box record that noted a decision already made, i.e. that the officer had identified a particular need or needs. It was not a tool (such as VRAM) that aided/guided the officer to identify risk in the first instance.
- 3.84 Officers took a variety of approaches when it came to completion, for example, some told Inspectors that they, “*take no chances*”. The implication was that officers ticked a number of boxes without carrying out a meaningful assessment. That approach was not in the best interests of the victim or the CJS. The general suspicion by Case Officers (COs) at the VWCU was that officers, “*just ticked everything to get them off the hook*.” This was not an approach unique to the PSNI as Inspectors had listened to similar concerns when visiting the WCU at Leeds and Bradford.
- 3.85 The Witness Care Form did not arrive with the VWCU until the case was passed to them by the police for decision and that could be several years later. A failure to identify needs during KSI 3 or KSI 4 by the officer seriously undermined any potential benefits that Special Measures brought to victims and directly impacted on criminal justice outcomes.
- 3.86 The COs at the VWCU explained that needs were often not identified on the Witness Care Form they received. Alternatively, when the form was not used or it was not filled out correctly, the needs were not otherwise identified within the case file provided to the PPS.
- 3.87 Conversely, when needs were identified, COs and prosecutors told Inspectors that the investigating officer often failed to provide evidence required to support Special Measures applications, such as a statement from the victim or witness, medical report, statement from a social worker if the witness was vulnerable or a statement from a Police Officer if the witness was intimidated. Inspectors were shown some examples by COs of requests for further information that supported this concern.

<sup>135</sup> NI Victim Charter: (2015), p23, par 47. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf)

- 3.88 A recent report inspected how police and the CPS in E&W responded to crimes against older people. The report found that, *'The police don't consistently assess the needs of victims as set out in the relevant codes of practice and so the needs of victims aren't always met.'*<sup>136</sup> Inspectors found no policy guidance or active supervisory process to audit the effectiveness of the Witness Care Form following initial completion.
- 3.89 A variety of forms therefore existed and were currently used to assess risk and needs. Tools (forms) that included DASH, VRAM and the Witness Care Form had very specific and separate functions and as discussed, a new 'standardised referral form for vulnerable people' had also recently been recommended by HMICFRS.<sup>137</sup> A separate recommendation by HMICFRS would also enable officers to complete DASH assessments using their mobile data devices.
- 3.90 The PSNI's evolving response to vulnerability and its need to effectively assess risk and needs had produced various tools for specific areas of vulnerability. Inspectors believed these steps held the key and provided a opportunity for exploration of a single input technical solution to further enhance organisational efficiency and effectiveness. FR and investigating officers were the crucial element in the process and any solution must support this delivery. Technology had potential to improve quality and enhance supervisory and audit capabilities. Early sharing of information with other parts of the service also opened doors to help and support from service providers such as VSNI.

#### OPERATIONAL RECOMMENDATION 4

The Police Service of Northern Ireland should review use of current risk and needs assessment tools that have evolved in response to vulnerability. The review should explore operationally effective technical solutions based on the concept of single data input within six months of the publication of this report.

#### Updating victims (diagram 1 – KSI 4/interface 'f')

- 3.91 During victim engagement Inspectors had been asked why Police Officers were contacting them to provide updates when they had no new information to tell them in connection with the investigation. The Victim Charter provided the following entitlement to victims:

136 *The Poor Relation - The police and CPS response to crimes against older people* (2019), p17. HMCPSI & HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/crimes-against-older-people.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/crimes-against-older-people.pdf)

137 *PEEL: Police efficiency and effectiveness - An inspection of the Police Service of Northern Ireland* (2018), p1. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf)



### Excerpt 3: NI Victim Charter

#### **Standard 1.8: Update from the police about the Investigation**

You are **entitled** to the following from the police:

- to receive an update, within 10 days, on what they are doing to investigate your crime. If it is appropriate they will give you further updates and agree with you when these updates will be;
- to contact the police and ask for an update outside of any agreed times;

The EU Directive was clear in regard to respecting the wishes of the victim when it came to investigation updates, *'The wish of victims as to whether or not to receive information shall bind the competent authority'*.<sup>138</sup> It did not impose a 10 day requirement as set out under the Victim Charter.

- 3.92 The police records system (NICHE) created automated victim update 'tasks' to alert investigating officers of a need to update a victim in compliance with the Standard 1.8 Victim Charter 10-day update. Tasks were generated for recorded crimes and could only be closed once the officer had confirmed the victim had been updated. When delay occurred this was normally due to missing or insufficient contact details, victim or officer availability and shift patterns etc. Efforts to contact victims often took many attempts, normally by phone or personal visit to the victim's home. There was a clear sense of frustration from officers who felt that process had overtaken real meaningful contact with victims.
- 3.93 Completion of the task was dependent on the officer making an entry on NICHE RMS. Once made the task was completed as a victim update. Inspectors were told that a completed task did not necessarily mean that there had been actual and additional contact made with a victim and explained that there were often good reasons for this. The approach to completing the update task varied between officers and the tenacity of individual supervisors.
- 3.94 Some officers took an approach whereby they were as "honest" as they could be with the victim from their initial point of contact. These officers were sensitive to the needs of the victim insofar as they recognised the victim's need to be kept updated but that consideration must be given to the unnecessary raising of expectations, for example, if there was insufficient evidence at the time and little likelihood that further evidence would come to light.
- 3.95 The other dynamic in this approach was consideration of the complainant and the seriousness and nature of the crime, for example, minor theft from a large retailer or minor damage to a vehicle. These officers sought the victim's view in regard to future updates, based on a scenario that there were no changes. When an officer received a victim update task in such circumstances, they updated the task without contacting the victim unless there had been further information or the victim had requested further contact regardless of any new information or update having come to light.

<sup>138</sup> Directive 2012/29/EU of the European Parliament and of the Council (2012), Article 6(5). Available at [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029) –

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 3.96 Other officers made contact on every occasion when there was a task regardless of the views of the victim. This was mainly driven by fear of disciplinary action or a complaint, such as:
- failure to comply with the Victim Charter and organisational requirement to update the victim; and
  - exposure to a personal complaint by the victim for not contacting them.
- 3.97 FRs were more than happy to provide updates to victims when they had something of value to tell them. Supervisors described the present system as a process of, “*update with no update.*” The most recent PSNI victim text satisfaction survey (2018-19)<sup>139</sup> surveyed over 16,000 victims and found that 64.5% were satisfied with contact with the PSNI and 54.2% were satisfied with how well they had been kept informed of the progress of their case.<sup>140</sup>
- 3.98 Sergeants explained that appropriate assessment by them would mean a shift from “mandatory to meaningful”. They recognised the right of victims to be informed when nothing had changed (if this was what the victim wanted) but felt that the need to inform should not initially be driven by a 10-day process rule but triggered instead by additional information relating to the investigation. This did not always signify ‘progress’ in terms of victim outcomes but it was an important significant update on the investigation.
- 3.99 The supervisory role by necessity demanded greater and more regular access to NICHE reminders. They could instruct their officers following supervisory checks of NICHE records and logs, for example, information confirming lines of enquiry, subsequent arrests, or when results had been returned from forensic science or alternative disposals had been directed etc. In 2016-17 just 54% of respondents involved in cases where the charges had been dropped or a formal police caution or warning given reported that they had been contacted by the police or the PPS and given an explanation.<sup>141</sup>
- 3.100 Inspectors found it difficult aligning current practice with meaningful outcomes for victims. Data that purely measured compliance with processes based on time limits could offer no reassurance in terms of victim need or satisfaction and the significance of any trend information was equally unclear. It was also difficult to reconcile such activity with the current demand on police resources as outlined in previous discussions.

139 *Surveys: Victim Satisfaction Survey*. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-policies-and-procedures/equality-diversity-and-good-relations/equality-monitoring/surveys/](http://www.psnipolice.uk/inside-psni/our-policies-and-procedures/equality-diversity-and-good-relations/equality-monitoring/surveys/)

140 Data provided by PSNI

141 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017)*, p1. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

- 3.101 Inspectors sought statistical data from the Office of the Police Ombudsman for Northern Ireland (OPONI) to establish if data could identify trends in complaints emanating from victims, relating to failing to provide updates in compliance with the EU Directive and Charters. Data identified certain activities, failure to return telephone calls, provide updates, reply to letters or attend appointments, however this was not linked to complainants (or individuals making allegations) as a victim of crime. Such data would be helpful in providing a broader picture around the treatment of victims. **The DoJ should consider exploring opportunities with OPONI to develop existing data capture for use relating to treatment of victims.**
- 3.102 Inspectors reported in 2011 that, *'More often Response Officers spoke of the volume of calls they have to attend, and the consequence of being unable to spend any time with victims or indeed to follow-up with updates. One officer spoke of being unable to spend any time inside the station in order to make the calls necessary to comply with requests for victim updates'*.<sup>142</sup>
- 3.103 Explanatory notes in the Justice Act (Northern Ireland) 2015 provide further enlightenment on the needs of victims, *'...being provided with information on the progress of their case, even if that is simply to say that there has been no change'*.<sup>143</sup> Victims who want updated, *'even if that is simply to say that there has been no change'* should be updated and are entitled to be so.
- 3.104 Likewise, those who did not want updated in such circumstances were entitled to have their voice heard and should not be compelled to have an update they neither want nor desire. Some current practice by officers in providing information to the victim within 10 days was not in the best interests of the victim unless the victim has been asked and has consented to the approach 'following discussion' as set out in paragraph 67 of the Victim Charter.
- 3.105 The victim's entitlement was protected under the Victim Charter and protected in law. Recommendations to increase Charter presence and access to information would increase awareness to entitlement throughout the community in empowering victims, witnesses and families. This report fully acknowledged entitlement to request an update at any time whether this was within a 10-day period or at any time thereafter.
- 3.106 This report had highlighted obligations imposed on member states to establish minimum standards on the rights, support and protection of victims of crime and the Charters are in many respects the manifestation and response by Government. The EU Directive enabled member states to extend rights set out in the Directive in order to provide a higher level of protection.

142 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland* (2011), p 24, par 2.52. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

143 *Justice Act (Northern Ireland) 2015 - Explanatory Note*. Available at [www.legislation.gov.uk/nia/2015/9/notes/division/3/4](http://www.legislation.gov.uk/nia/2015/9/notes/division/3/4)

3.107 A review should consider if the current approach remained victim centred and contributed to meaningful outcomes that focus on provision of actual information to victims in connection with the investigation of the crime committed against them. The review should embrace an approach that considered Victim Charter requirements for police to inform the victim about how often they will receive updates on the status of the case following discussion with them.

**OPERATIONAL RECOMMENDATION 5**

The Police Service of Northern Ireland should review the current approach to providing investigation updates to victims within three months of the publication of this report.

**Family Liaison Officer (diagram 1 – KSI 4/interface ‘g’)**

3.108 A Family Liaison Officer (FLO) was a Police Officer and a crucial part of the investigation team. The nature of this role brought officers into early and close contact with victims, witnesses and families.<sup>144</sup> The role required specialist investigation skills and the national FLO guidance identified ‘good communication and listening skills’ as a key quality required by those performing the role.<sup>145</sup> Inspectors met with a large experienced group of FLOs, some of whom had performed the FLO role for over 10 years.

**Excerpt 4: Family Liaison Officer Role Description (College of Policing)**

**Role Purpose**

The primary purpose of a Family Liaison Officer (FLO) is that of an investigator. Their role is to gather evidence and information from the family to contribute to the investigation, preserve its integrity. The FLO also provides support and information, in a sensitive and compassionate manner, securing confidence and trust of families of victims of crime (primarily homicide), road fatality, mass disaster or other critical incident, ensuring family members are given timely information in accordance with the needs of the investigation.

144 *Family Liaison Officer Role* - CoP webpage available at [profdev.college.police.uk/professional-profile/family-liaison-officer-flo/](http://profdev.college.police.uk/professional-profile/family-liaison-officer-flo/)

145 *National Police Improvement Agency (NPIA) - Family Liaison Officer Guidance* (2008), p30. CoP website document available at [library.college.police.uk/docs/acpo/FLO-guidance-2008.pdf](http://library.college.police.uk/docs/acpo/FLO-guidance-2008.pdf)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 3.109 The FLO function was not a permanent position for the officers involved who were extracted from normal duties when demand dictated. The group Inspectors met were a mix of Detective Constables from Crime Operations<sup>146</sup> and Constables from District Policing<sup>147</sup> and Roads Policing Units.<sup>148</sup> There were 120 FLOs attached to uniform duties and 60 from the Criminal Investigation Department (total 180). Inspectors learned that in the last three year period Roads Policing had deployed 300 FLOs and Crime Operations had deployed 95.
- 3.110 National guidance stated, ‘that FLOs must always be deployed in pairs’ and recognised the benefit that this brought to the continuity of treatment for families and also to managing stress for those officers directly involved. FLOs told Inspectors that a more cohesive and centralised approach to the management of all FLOs would result in increased co-ordination, more effective deployment and easier recognition of welfare issues. A recent survey based on 27 interviews (17 related to murder/manslaughter cases and 10 involved road traffic incidents) identified the issue of cover by FLOs who, ‘go on leave or be absent on sick leave’ to be a particular concern.<sup>149</sup>
- 3.111 The PSNI was considering a move to a more cohesive strategic response but at the time of writing a final decision had not been reached. National guidelines set out the serious crimes and incidents to which FLOs were deployed as:<sup>150</sup>
- an unexplained or violent death, particularly in respect of homicide, road death, mass fatality; and
  - any other ‘critical incident’<sup>151</sup> where family liaison might enhance the effectiveness of the police response, for example, a missing person enquiry or an allegation of hate crime.
- 3.112 Bereaved victims and families described life changing events and the physical and mental impact that crimes and incidents had caused. They spoke about their trauma and of dealing with shock and feelings of vulnerability, but equally, they spoke about their search for answers and had very high expectations in regard to timely, accurate and honest information. FLOs reaffirmed this and explained that in such circumstances they operated to support both the investigation and the families. One bereaved victim told Inspectors, *“In my mind when information wasn’t given, I thought it was being hidden; so be open and honest and people will respect that”*.

146 *Crime Operations*. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-departments/crime-operations/](http://www.psnipolice.uk/inside-psni/our-departments/crime-operations/)

147 *District Policing*. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-departments/district-policing-command/](http://www.psnipolice.uk/inside-psni/our-departments/district-policing-command/)

148 *Roads Policing Unit*. PSNI webpage available at [www.psnipolice.uk/inside-psni/our-departments/operational-support/roads-policing-unit/](http://www.psnipolice.uk/inside-psni/our-departments/operational-support/roads-policing-unit/)

149 *Research into the experience of families bereaved through murder, manslaughter and culpable road death* (2014), p11. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/bereaved-research--the-department-of-justice-s-response-paper.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/bereaved-research--the-department-of-justice-s-response-paper.pdf)

150 *National Police Improvement Agency (NPIA) - Family Liaison Officer Guidance* (2008), p5. CoP website document available at [library.college.police.uk/docs/acpo/FLO-guidance-2008.pdf](http://library.college.police.uk/docs/acpo/FLO-guidance-2008.pdf)

151 *Definition of critical incident*. CoP webpage available at [www.app.college.police.uk/app-content/critical-incident-management/types-of-critical-incident/](http://www.app.college.police.uk/app-content/critical-incident-management/types-of-critical-incident/)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 3.113 Inspectors heard that, “*managing expectations and brutal honesty are among the most important FLO qualities.*” An officer spoke about “*making a difference to people at the worst moment in their lives*”. A sense of clear tangible caring, ownership and responsibility emerged from interviews with FLOs and from the experiences relayed to Inspectors.
- 3.114 Officers spoke of a need to remain vigilant about the welfare of FLOs and were complimentary of efforts by SIOs to recognise their need for support. Officers from Crime Operations told Inspectors that they were valued and recognised as an important part of the investigation team and described senior command as, “*very supportive.*”
- 3.115 When officers sought professional health support for stress, they explained that it took between 6-8 weeks to get appointments with the PSNI’s Occupational Health Unit and felt this was too long. When asked what support was available in the intervening period, Inspectors were told that officers discussed and shared experiences with FLO peers and colleagues from their permanent posting. This approach to peer support had previously been relayed to Inspectors in other focus groups involving LPT officers and officers in specialist teams.
- 3.116 Given the quality of their relationships with families, the extent to which FLOs engaged at an early stage of the victim journey and the duration of these relationships (sometimes over years), Inspectors were keen to establish how this contributed to the current VWCU SPOC approach. When asked about their levels of engagement with VWCU COs some officers candidly explained that they had no knowledge of the VWCU role. Others identified potential areas for improvement such as:
- when FLOs were deployed they effectively became a SPOC with the family. Officers felt that all contact by the VWCU should be diverted to them in the first instance (current PPS operational guidance identified this as the appropriate practice); and
  - they felt that this should also apply in relation to any contact from the Coroner’s Office before sending out letters.
- 3.117 A CO had contacted a family member to explain that their case had been adjourned. This had a significant emotional impact on the individual and left the FLO with no information which could be used to provide support. The collective view was that all court information should be relayed through the FLO. They described their relationship as key in transferring all information and to minimising negative impact on families and victims.

- 3.118 The PSNI Service policy placed the following requirements on FLOs:<sup>152</sup>
- relaying the PPS’s prosecutorial decision; and
  - liaising with the Coroners’ Office and relaying information to and from the victim’s family representative.
- 3.119 Both areas of policy touched on issues identified by FLOs. Evidence suggested that practice was at times out of line with PSNI policy. Information received from the PPS in relation to ‘Operational Delivery’ by the VWCU stated, *‘the case officer will communicate directly with that individual or if preferred through the Family Liaison Officer’*.
- 3.120 Other operational guidance issued to VWCU staff for Crown Courts provided the following advice, *‘..... the VWCU CO will contact the Family Liaison Officer (FLO) to confirm whether contact should be made directly with the deceased’s family by VWCU or through the FLO’*.<sup>153</sup> The VWCU played an important role and made a significant contribution to delivering outcomes in providing information to victims and witnesses as did the Coroners Service for Northern Ireland.<sup>154</sup> This heightened a need for enhanced relationships with FLOs, the VWCU and the Coroners Office.

## OPERATIONAL RECOMMENDATION 6

The Public Prosecution Service for Northern Ireland and the Police Service of Northern Ireland should review policy and practice for Single Point of Contact arrangements in line with the provisions set out under Articles 3, 4 and 6 of the European Union Directive to ensure best practice meets the needs of bereaved victims and family members as defined under Article 2 of the European Union Directive within three months of the publication of this report.

- 3.121 Formal language in police guidance and policy did not reflect the more caring side of the role performed by FLOs who believed, *“It is professionalism but also caring.”* Evidence supported a view that the caring approach delivered by FLOs was in the best interest of victims and their families and the investigation. Officers attended court hearings when sentencing had taken place because families simply could not deal with the trauma that it would cause. They supported and advised bereaved families when left to make funeral arrangements or coping with the post mortems of loved ones.<sup>155</sup>

152 *Supporting Victims and Witnesses SI1317* (2018). PSNI Service instruction. This internal PSNI document is not publically available.

153 *VWCU Crown Court Operational Guidance* (2015). This internal PPS document is not publically available.

154 *Coroners Service for Northern Ireland*. DoJ webpage available at [www.justice-ni.gov.uk/articles/coroners-service-northern-ireland#toc-16](http://www.justice-ni.gov.uk/articles/coroners-service-northern-ireland#toc-16)

155 *Support to those bereaved*. PSNI webpage available at [www.psnipolice.uk/advice\\_information/victim-support/support-to-those-bereaved/](http://www.psnipolice.uk/advice_information/victim-support/support-to-those-bereaved/)

**Example -** A mother who had lost a daughter wanted to know every minute detail surrounding the death of her daughter, *“I sat with the mum for five days going through every minute piece of information I could get.”*

3.122 FLOs were not always welcomed initially but accounts demonstrated that commitment to the investigation and a desire to care and support families had turned many situations around to the benefit of all concerned. Relationships often extended over several years and officers believed that this brought long-term benefits to building wider community confidence and in gaining support from harder to reach communities.

3.123 FLOs were trained to national standards. A Detective Sergeant from C2 (Crime) acted as co-ordinator and, in this capacity, provided regular email updates and arranged presentations and conferences with SIOs and relevant speakers.<sup>156</sup>

3.124 Inspectors received positive feedback from stakeholders about the important function of FLOs. Some reported increased professionalism and that caring formed a crucial element of the service. Inspectors were reminded by stakeholders of the need for continued regular engagement between SIOs, FLOs and support organisations as this was important to shared learning, ongoing development of officers and outcomes for victims.

**Homicide services (diagram 1 – KSI 4/interface ‘g’)**

3.125 Homicide services were initially introduced throughout E&W by Victim Support and with Government funding.<sup>157</sup> In 2018 the service provided support to more than 1,300 people bereaved by murder and manslaughter. FLOs played a central role in referring bereaved family members to the service. A consenting family member was allocated a Victim Support homicide caseworker who engaged through face-to-face meetings.

3.126 The service was based on helping people to navigate and to understand the CJS. It connected people to practical services and provided immediate support to arrange funerals, childcare and transportation etc. It helped people to access financial assistance such as state benefits and compensation claims and to advise appropriate organisations of the death.

156 Senior Investigator Major Crime (PIP 3 SIO). CoP webpage available at [profdev.college.police.uk/professional-profile/1477/](http://profdev.college.police.uk/professional-profile/1477/)

157 Homicide Service. Victim Support E&W webpage available at [www.victimsupport.org.uk/more-us/why-choose-us/specialist-services/homicide-service](http://www.victimsupport.org.uk/more-us/why-choose-us/specialist-services/homicide-service)



- 3.127 Scotland had now followed E&W and launched a new Homicide Service in July 2019.<sup>158</sup> The Scottish Government had provided Victim Support Scotland with three year funding of £1.8 million.<sup>159</sup> NI does not currently provide such a service but Inspectors learned that the DoJ were currently examining the feasibility of a Homicide Service and were encouraged that the DoJ were actively scoping the introduction of such a service. Without pre-empting that outcome, it did not seem unrealistic that such a service could be introduced within 12-18 months.
- 3.128 There was a clear relationship between the services provided by FLOs and outcomes for victims, witnesses and families and for criminal justice outcomes. Future aspirations to introduce a Homicide Service would extend and develop that relationship yet further. The effectiveness with which the PSNI deliver the FLO service was crucial in terms of current services and future vision.
- 3.129 Inspectors also acknowledged the PSNI's current strategic focus and consideration to enhance service delivery and to support officer wellbeing through central management under C2 (Crime). Inspectors fully endorse an approach that maximises efficiencies and the opportunity to deploy FLOs more effectively and to apply national guidelines. To enhance outcomes for victims, witnesses and their families through improved service delivery, the PSNI should implement their considered arrangements bringing FLOs under central command and management responsible for strategic co-ordination and deployment applying national guidelines.

**OPERATIONAL RECOMMENDATION 7**

The Police Service of Northern Ireland should centralise command and management of Family Liaison Officers within three months of the publication of this report.

158 *Support for Families Bereaved by Crime service launched*. Victim Support Scotland webpage available at [victimsupport.scot/about-us/news-list/support-for-families-bereaved-by-crime-service-launched/](https://victimsupport.scot/about-us/news-list/support-for-families-bereaved-by-crime-service-launched/)

159 *Support for bereaved families*. Scottish Government webpage available at [www.gov.scot/news/support-for-bereaved-families/](https://www.gov.scot/news/support-for-bereaved-families/)

## CHAPTER 4: DELIVERY AND OUTCOMES: THE PPS RECEIVE THE POLICE FILE

### VICTIM AND WITNESS CARE UNIT

#### History and background of Witness Care Units (diagram 1 – KSI 5/interface 'h')

- 4.1 The Witness Care Units (WCU)<sup>160</sup> in E&W superseded Witness Liaison Units whose limited function was to co-ordinate victim and witness attendance at court only. Similarly and prior to the introduction of the VWCU<sup>161</sup> within the PPS, a number of Community Liaison Teams (CLTs) operated across all PPS regions.
- 4.2 The CLT concept focused on providing information and assistance to victims and witnesses. CJI's 2011 inspection reported that provision of updates at key milestones was ineffective and CLTs failed to provide services consistently across all Magistrates' and Crown Courts. CJI recommended that CLTs should merge and become a WCU that also serviced Crown Court cases with the VWSG overseeing the establishment of the WCU under leadership from the PPS.
- 4.3 The new VWCU in NI rolled out as a pilot in 2012 (see Appendix 3). Scotland also provided a unit offering similar services to that of WCU in E&W and NI's VWCU called the Victim Information and Advice (VIA) service.<sup>162</sup>
- 4.4 Another service operating in E&W was the Victim Liaison Unit (VLU). In the wider UK context, the VLU delivered services from within the CPS and was described as a, 'one-stop shop for post finalisation communications and providing a dedicated, professional service to victims to ensure that victims are consistently provided with high quality, timely, effective and empathetic communications where we decide not to prosecute.'<sup>163</sup>
- 4.5 Inspectors learned that victims were confused by the multitude of victim services within the NI CJS using victim affiliated titles. There was particular confusion about the VWCU, Victim Information Unit (VIU is responsible for post-conviction victim information schemes – explained in Chapter 6) and VSNI. WCUs had been introduced as part of Government's commitment to transform the experiences of victims and witnesses of crime.

160 *Prosecution and case management: Victim and witness care - Witness care units*. CoP web page available at [www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units](http://www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units)

161 *Detailed outline of services provided by the VWCU* - See Appendix 3

162 *Victim Information and Advice (VIA) service*. COPFS webpage available at [copfs.gov.uk/involved-in-a-case/victims](http://copfs.gov.uk/involved-in-a-case/victims)

163 *Role of the Victim Liaison Unit (VLU)*. CPS webpage available at [www.cps.gov.uk/legal-guidance/victim-communication-and-liaison-vcl-scheme](http://www.cps.gov.uk/legal-guidance/victim-communication-and-liaison-vcl-scheme)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

4.6 In 2004 the 'No Witness, No Justice' project was the catalyst that introduced dedicated WCUs across E&W.<sup>164</sup> Plans included the introduction of a WCU within every area of E&W by March 2005. The new partnership brought the police, the CPS and Victim Support together for the first time to jointly meet the individual needs of victims and witnesses in criminal court cases. A few months later the success of WCUs was already being reported, *'In areas across the UK where witness care units have opened, attendance at court improved by almost 20% last year, and 27% fewer trials were adjourned because of witness difficulties'*.<sup>165</sup>

4.7 WCUs were now established across E&W. Like the VWCU, the WCU was a SPOC for victims and witnesses and provided support and information from the point of charge through to the conclusion of the case. The VWCU was considered to be a vehicle to achieving a one stop shop facility to support victims and witnesses.

### **Benchmarking (diagram 1 – KSI 5/interface 'h')**

4.8 Representatives from the DoJ, PPS, PSNI and VSNI made an exploratory visit in 2011 to an established WCU at West Yorkshire Police. Inspectors revisited the same WCU in Leeds for this inspection in order to benchmark against current practices and procedures and to explore any opportunity to enhance current VWCU services within the PPS.

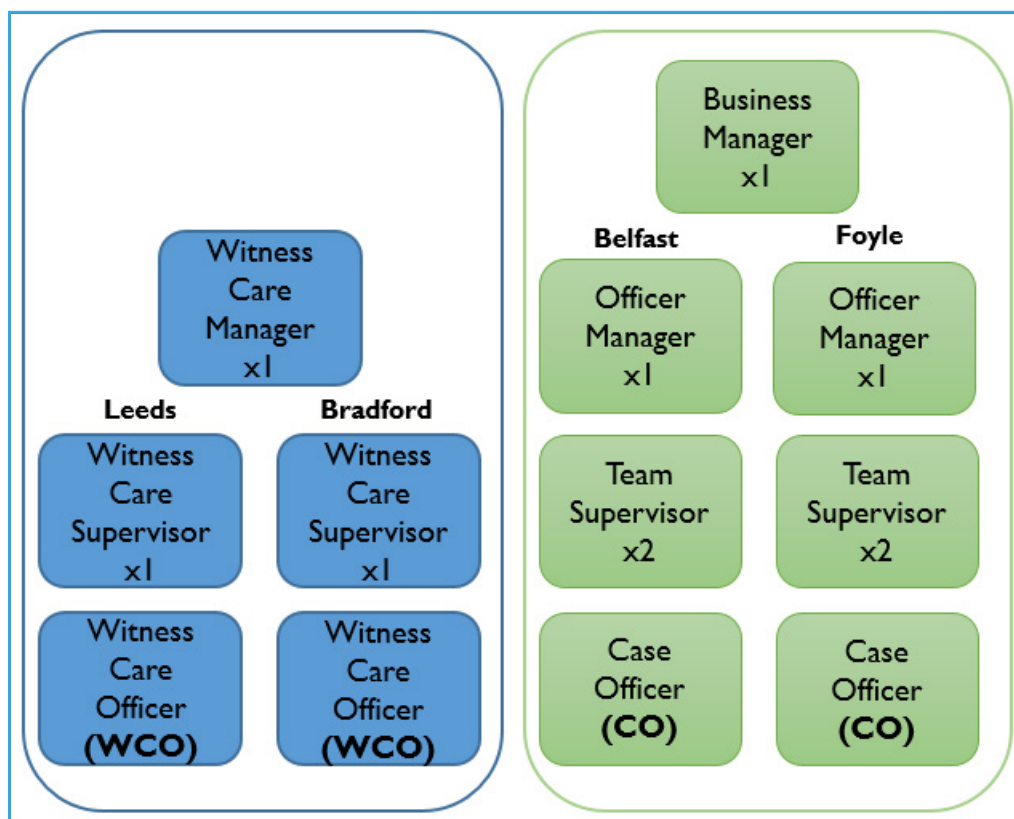
4.9 When visited in 2018 Inspectors noted that the unit had been split into two teams. The two teams were now based in two police offices within the police estate in Leeds and Bradford. The number of staff provided to the service had overwhelmingly shifted to provision by police and is discussed in the following paragraphs.

4.10 Day to day operational delivery of the WCU and VWCU was based on similar hierarchical structures, albeit with slightly different job titles. It was also noted that the WCU Manager was responsible for managing both teams whereas the VWCU provided individual managers for each team and was overseen by a dedicated Business Manager.

164 Commons Hansard: *Witness Support* (2004), par 12. Parliament UK webpage available at [publications.parliament.uk/pa/cm200405/cmhansrd/vo041220/debtext/41220-06.htm#41220-06\\_spmi0](https://publications.parliament.uk/pa/cm200405/cmhansrd/vo041220/debtext/41220-06.htm#41220-06_spmi0)

165 *Witness care best in UK* (2013). 'getreading' news webpage available at [www.getreading.co.uk/news/local-news/witness-care-best-in-uk-4263435](http://www.getreading.co.uk/news/local-news/witness-care-best-in-uk-4263435)

**Diagram 4: WCU and VWCU Structures**



- 4.11 The WCU at Leeds/Bradford reflected the National picture for WCUs and had felt the impact of ongoing budgetary cuts. The previously single unit based at Leeds CPS had moved out of CPS accommodation several years previously (pre 2010).
- 4.12 The approach to a WCU partnership promoted by the 'No Witness, No Justice' project<sup>166</sup> had deteriorated to a point where the CPS now only provided the fulltime equivalent of 1.5 staff across the entire WCU. Current staff provided by the CPS was at an all-time low. Inspectors understood that original plans were for a 50:50 split between the CPS and police staff.
- 4.13 An article in The Independent newspaper in 2014 raised concerns about reduced resources now provided to WCUs by the CPS and the impact this had on WCU services.<sup>167</sup> It claimed that staff numbers had been reduced by 57% in just three years and that police staff had fallen by 17% in the same period. The CPS counter-argued that reductions had been caused by consolidation of WCUs and that police had undertaken greater responsibility.

166 Commons Hansard: *Witness Support* (2004), par 12. Parliament UK webpage available at [publications.parliament.uk/pa/cm200405/cmhansrd/vo041220/debtext/41220-06.htm#41220-06\\_spmi0](https://publications.parliament.uk/pa/cm200405/cmhansrd/vo041220/debtext/41220-06.htm#41220-06_spmi0)

167 *Revealed: How the CPS betrays victims of crime* (2014). Independent news webpage available at [www.independent.co.uk/news/uk/politics/revealed-how-the-cps-betrays-victims-of-crime-numbers-of-staff-assigned-to-look-after-witnesses-9150172.html](http://www.independent.co.uk/news/uk/politics/revealed-how-the-cps-betrays-victims-of-crime-numbers-of-staff-assigned-to-look-after-witnesses-9150172.html)

4.14 Inspectors learned that the NPCC had appointed an ACC to carry out a review of the effectiveness of WCUs across E&W. The review had however been temporarily suspended due to the introduction of a new ‘Victims Strategy’ in 2018 (see Chapter 2).<sup>168</sup>

**Current VWCU function (diagram 1 – KSI 5/interface ‘h’)**

4.15 In 2011, the then Minister for Justice, David Ford announced he was pressing ahead with plans to implement a WCU and described it as providing two key services.<sup>169</sup> For ease of description and greater discussion these services are hereafter referred to as VWCU1 service and VWCU2 service:

- a. **VWCU1 service** - *“the units will provide information for those attending court and updates on how the case is progressing”;*
- b. **VWCU2 service** - *“aid referrals to other organisations if a victim or witness requires specialist help”.*

4.16 The introduction of the VWCU was a key element of the Government’s commitment in E&W to transform the experience of victims and witnesses (at a certain point of their journey). The name, Witness Care Unit, suggested a much greater emphasis and focus by the CJS on caring for victims and witnesses. The WCU was to be, *‘A personalised service where victims are treated as individuals’.*<sup>170</sup>

4.17 Inspectors sought to establish if the approach to a more caring and personalised service was in fact a reality. When speaking with victims, witnesses and families and stakeholder organisations about the services provided by the VWCU two main issues continually surfaced, a lack of awareness about the VWCU and confusion about the service provided to victims and witnesses.

**Lack of awareness (diagram 1 KSI 5/interface ‘h’)**

4.18 Most victims, witnesses and families were unable to make a connection between the VWCU and their personal experiences and journeys through the CJS. They simply did not know if they had been in communication with the VWCU or for some reason did not make that connection. In regard to the CJS, many were able to talk in detail about various issues and people they had talked to or had otherwise communicated with (by phone or email) but did not know if they had been in contact with the VWCU.

168 *Victims Strategy (2018)*, p8. Available at [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746930/victim-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746930/victim-strategy.pdf)

169 *Care Unit Proposals*. 4ni news webpage available at [www.4ni.co.uk/northern-ireland-news/136584/witnesses-care-unit-proposals-supported](http://www.4ni.co.uk/northern-ireland-news/136584/witnesses-care-unit-proposals-supported)

170 *Making a difference to victims and witnesses of crime Improving access to justice, services and support: A five-year strategy (2013)*, Par 22, p9. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf)

4.19 Probing by Inspectors suggested that several of those spoken to had in fact been in communication with the VWCU but had been unable to make that connection for themselves. In 2018-19, the VWCU had sent 75,000 letters to victims and witnesses and made personal contact on around 25,000 occasions.

4.20 *“What do they do?”* was commonly the response that Inspectors heard when asking victims and witnesses about their knowledge of the VWCU. Stakeholder organisations also generally demonstrated limited knowledge. The College of Policing provided the following description of a WCU, *‘The units are a single point of contact for victims and witnesses, and provide support and information from the point of charge through to the conclusion of the case, tailored to the needs of the victim or witness.’*<sup>171</sup>

**Victim and witness need (diagram 1 – KSI 5/interface ‘h’)**

4.21 One of the strongest messages heard by Inspectors from victims and witnesses was that every single victim and every single witness was different and therefore unique in respect of their individual needs from the CJS and how they needed help. When victims and witnesses discussed needs this was often in terms of emotional support. Some who met Inspectors were still receiving this support, others had not received such help, some were unaware that opportunities for it existed and others felt it was something that would have benefited them in their particular circumstances and journey.

4.22 The list of needs was varied and ultimately personal to each victim and witness. Victims, witnesses and families reaffirmed the importance of and the need to maximise opportunities to identify all needs and to open doors to service providers capable of delivering professional specialist services providing emotional care and practical help.

4.23 In this regard, there was clear distinction between their personal needs and Special Measures needs to support CJS outcomes. Access to emotional support could help the individual in private life and in contributing to CJS outcomes. When it came to prioritising needs, the desire for special services offering emotional support came extremely high for victims, witnesses and families.

4.24 Inspectors spoke to victims, witnesses and families who had received emotional support from a range of organisations. There was no evidence that this had been as the result of contact with the VWCU. It was clear on some occasions that contact was as the result of advice offered at earlier parts of their journey through the CJS or from support provided by family, friends and peers or others. What was clear and regardless of how referral came about, was the value placed on the service provided to them and the fact that this came from many different organisations from within the community.

171 *Support to victims and witnesses: Witness care units.* CoP webpage available at [www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units](http://www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units)

- 4.25 When asked to describe what caring actually meant to them, this was very straightforward for them to describe. In normal circumstances, initial contact was in response to a letter received from the VWCU. This meant a victim or witness phoning the VWCU and asking to speak to the CO identified by name in the letter. The victims and witnesses did not normally at that stage have any previous verbal contact with the VWCU and therefore no opportunity to form any semblance of a meaningful engagement with a CO.
- 4.26 Another common theme to emerge from victims and witnesses was that regarding concerns about the sheer quantity of letters, emails and phone calls that they received during the journey through the CJS. Victims and witnesses told Inspectors that they had received letters from the VWCU that they didn't want even after asking for them to be stopped. As previously discussed in Chapter 3 (updating victims), the EU Directive was very clear on this issue: *'The wish of victims as to whether or not to receive information shall bind the competent authority'*.<sup>172</sup>
- 4.27 The VWCU made contact by letter (or notification) at various stages after a case arrived with the PPS. The Victim Charter set standards on the provision of updates to victims at various points after receipt of the investigation from the PSNI, such as when the file was received by the PPS, when decisions were issued, dates of arraignments etc.
- 4.28 What each victim and witness wanted varied greatly in terms of the level and intensity of engagement. For example, some wanted the shortest conversations necessary in order to obtain the answers they sought, or a professional business-like approach. Some did not want to revisit their experience nor did they want others to take them unwillingly on such a journey that had potential to cause trauma or further trauma.
- 4.29 It was evident that some victims, witnesses and families remained deeply affected by their experiences. Listening to them speak about their experiences and telling their personal story provided irrefutable evidence of their need for an altogether different level of engagement by staff possessing special skills. The initial key point of contact within the VWCU was almost always the CO. The College of Policing sets out the comparative role of Witness Case Officer (WCO).<sup>173</sup>
- A personalised service (diagram 1 – KSI 5/interface 'h')**
- 4.30 There was no change to the big messages coming from victims, witnesses and families and stakeholders. This was steadfast and clear in their need to be treated with respect and courtesy by staff within the CJS from whom they had high expectations and placed a heavy responsibility to assess their individual needs, a

172 Directive 2012/29/Eu of the European Parliament and of the Council (2012), **Article 6(5)**. Available at [eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

173 *Prosecution and case management: Victim and witness care*. CoP webpage available at [www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units](http://www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units)

point supported by the Victims' Commissioner for E&W, *"I want all victims to be treated with dignity and respect, kept informed and to get quality support services to help them cope and recover. I intend to press for national standards for services so they are good wherever a victim lives"*.<sup>174</sup>

4.31 Inspectors were firmly of the view that provision of this service required delivery by experienced staff skilled in providing a personalised and caring approach. Feedback from victims and witnesses in this regard was often positive and Inspectors were told that, *"the VWCU were excellent"*.

4.32 Some examples were provided where conversations had broken down with members of the VWCU. Inspectors heard that this was sometimes due to the perceived attitude or lack of sensitivity by the listener to their individual needs and circumstances. Some were bluntly honest about how their own behaviour had caused conversations to degenerate into angry exchanges. Some had waited for months and in some cases years for their case to get to the SPOC at the VWCU stage of the journey.

4.33 There was a clear correlation between treatment and approach and the skills of the individual CO. Feedback emphasised the importance of emotional intelligence<sup>175</sup> for the role of CO i.e. *'the level of your ability to understand other people, what motivates them and how to work cooperatively with them'*,<sup>176</sup>

**Emotional intelligence (diagram 1 – KSI 5/interface 'h')**

4.34 Models of Emotional Intelligence (EI) include identification of five key components and the competencies and skills that underpin these, i.e. self-awareness, self-regulation, motivation, empathy and social skills. An overview is attached at Appendix 4.<sup>177</sup>

4.35 Victims and witnesses described how important it was for them to be able to talk to someone who had an understanding of the incident they had been involved in. They did not want to talk with a CO who lacked adequate personal knowledge of the incident or the people involved and they certainly did not want to be party to a phone call that provided generic responses.

4.36 Victims and witnesses wanted to talk to people who could connect with them in a sensitive caring manner and demonstrate an understanding of their experience when it was appropriate. It was important that the CO was aware of and sensitive to the impact of their journey up to that point in time. Just as the journey through the CJS was unique to each individual so was the length of the journey itself.

174 Dame Vera Baird QC: *Champion of Change* (2019). Victims' Commissioner for England and Wales webpage available at [victimscommissioner.org.uk/dame-vera-baird-qc-champion-for-change/](https://victimscommissioner.org.uk/dame-vera-baird-qc-champion-for-change/)

175 *Emotional Intelligence*. PsychCentral webpage available at [psychcentral.com/lib/what-is-emotional-intelligence-eq/](https://psychcentral.com/lib/what-is-emotional-intelligence-eq/)

176 *Your EQ Skills: Got what it takes?* - *Journal of Accountancy*, Akers, Michael D. and Porter, Grover L., Vol. 195, No. 3 (March 2003). Marquette University e-publications webpage available at [epublications.marquette.edu/account\\_fac/36](https://epublications.marquette.edu/account_fac/36)

177 *Working with emotional intelligence*. New York: Bantam Books, Goleman, D. (1998)



## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 4.37 The CO role was a critical interface that required staff skilled in identifying and managing the emotions of others along with a likeability and ability to identify and manage their own emotions. In this context, victims and witnesses talked about COs needing to be good listeners, honest and well-mannered. Many contributors throughout this inspection talked about EI and empathy as being those skills right at the top of the essential skills list for staff working within a VWCU environment. Feedback from the benchmarking visit to the WCU in Leeds/Bradford was also very strong on that point.
- 4.38 There were various opinions from stakeholders as to how this could be achieved. For example, some talked about transferring VWCU services to organisations skilled in providing support to victims whilst others talked about training staff in EI or empathy. Alongside this, was a sense of increasing frustration within the agencies that neither EI nor empathy were qualities, *“you just train staff in.”*
- 4.39 The point was also made to Inspectors that EI and empathy required the combination of multi-faceted skills acquired from many sources. Some felt that experience came far in front of training, such as having previously worked in challenging and difficult front facing environments that required one-to-one interaction with the public resulting in highly developed interpersonal skills. Provision and development of a team with these qualities was considered highly desirable and attracted further discussion in later paragraphs.
- 4.40 Organisations aspired to bring about cultural change through creating greater awareness of the concept of EI. Inspectors believed that creating awareness of competencies and skills associated with EI was inadequate on its own and that a much broader approach was needed that not only involved training but also placed primary emphasis on acquiring key skills through a recruitment process ensuring that people possessing these skills were attracted to the roles required. Recruitment for WCU COs in E&W were advertised externally to recruit suitably skilled external candidates.
- 4.41 Based on what Inspectors had learned and feedback from victims and witnesses, stakeholders and the criminal justice practitioners, it seemed highly reasonable to conclude that training alone was not capable of delivering competencies and skills described as EI. Just like empathy, feedback suggested that there was no off-the-shelf training package that holistically guaranteed those outcomes.
- The live VWCU environment (diagram 1 – KSI 5/interface ‘h’)**
- 4.42 The teams at each location worked in shared open office environments. All COs shared the same work space and there were no demarcations, physical or otherwise, creating separation in terms of the agency of origin (PPS or PSNI).

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 4.43 The PPS and the PSNI were fully integrated and line managers managed staff from both agencies and shared the same open office environment with VSNI. There was an intensity and sense of busyness to the environment with staff engaged in phone conversations, preparation of letters, updating information on systems, reading case notes and other duties.
- 4.44 A common criticism from stakeholders was that the VWCU was process driven and not victim focused, *“it’s all about Charter time-limits to send out silly letters”*. Inspectors also heard negative feedback that the VWCU failed to engage with victims and witnesses sufficiently on a one-to-one basis preferring to send out introductory letters that avoided any type of personal contact with victims and witnesses. Both concerns were put directly to COs, Supervisors and management when Inspectors met with individuals and focus groups and senior staff.
- 4.45 COs and line managers were genuinely upset that this was what some stakeholders had told Inspectors about the service they provided. Many demonstrated a level of understanding and knowledge that was only possible through professional diligence and the desire to do their very best for the victims and witnesses for whom they had responsibility.
- 4.46 Interviews with staff were at times emotionally charged as they spoke about difficult cases for victims and witnesses that they had been or were currently involved with. Inspectors could see and hear tangible emotional connection and a desire to help and support within the limitations created by their current role as a CO. There was no doubt whatever in the minds of Inspectors that these particular individuals demonstrated a level of commitment only possible by people who cared about what they were doing and that their focus was very much aligned with the victims and witnesses with whom they had responsibility to discharge the functions within their role.
- 4.47 Detailed accounts from staff left Inspectors with a very clear understanding of the challenges they personally faced. In order to have the confidence of victims and witnesses, they described a need to have a level of understanding about the case background. This was achieved by reading case information available to them. A small number of staff admitted that they did not read case information to such an extent and some also said that they preferred not to know the detail because of the impact it had on them.
- 4.48 In general, observations within the live work environment provided evidence of case knowledge by COs when dealing with what were quite clearly difficult conversations by phone. Staff were applying different approaches and operational guidance examined by Inspectors did not provide clarity. **Inspectors considered this to be an area for improvement.**

4.49 In one example, the caller was unhappy with a decision not to prosecute and had called to challenge the decision made. In this particular example the CO clearly ran out of options to adequately respond to the victim and the conversation concluded when the CO told the victim, *“Look, I’m just an admin worker!”* This situation was not unique to the VWCU as staff at the WCU told Inspectors, *“Staff at CPS are difficult to contact and as we are the middle people, it’s difficult; we have to make a lot of excuses for them.”*

4.50 The PPS described part of the CO function to Inspectors, as *‘the conduit to others, such as the directing prosecutor etc.’* COs did not make decisions (directions) and were not involved in the decision-making process other than ensuring that the prosecutor had accurate and current information. Based on limited exposure to the live environment but on considerable feedback from interviews with COs, prosecutors and other key staff, that particular CO function was often presented as challenging and unenviable.

4.51 COs interfaced between victims and witnesses and the decision maker i.e. the directing prosecutor.<sup>178</sup> Inspectors heard that case notes often lacked details about the decision and this prevented them being able to provide the information sought by the victim. Inspectors learned that, *“If someone wants to speak to a prosecutor you just task them; you can’t transfer directly.”* This referral approach was in line with current staff guidance, *‘You should advise the victim that he or she can speak to the prosecutor who took the decision, and that you will contact the prosecutor who will then phone the victim’.*<sup>179</sup>

4.52 COs also felt that responses from prosecutors were sometimes slow or resulted in the prosecutor sending a letter - *“Prosecutors don’t have to speak directly with victims they can send a letter instead”.* There was clear frustration when prosecutors failed to record responses on the case note. COs claimed that this left them with absent detail when often frustrated and angry victims made further contact about the same issue.

**Prosecutors (diagram 1 – KSI 5/interface ‘j’)**

4.53 Prosecutors explained that, like COs, they too faced several real challenges in order to deliver the best overall service to victims and witnesses. The role of prosecutor necessitated both office and courtroom duties. Time in the office was in the main spent on examining case files and deciding or advising about prosecutions. This included issues of disclosure, preparation of committal papers and the preparation of decision directions.

178 *Code for Prosecutors: Duties of the Prosecutor* (2016), p4. PPS web document available at [www.ppsni.gov.uk/sites/ppsni/files/publications/PPS%20Code%20for%20Prosecutors.pdf](http://www.ppsni.gov.uk/sites/ppsni/files/publications/PPS%20Code%20for%20Prosecutors.pdf)

179 *VWCU Operational Guidance: Step by Step Summary Process Reported files* (2013). This internal PPS document is not publically available.

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 4.54 Time played a significant factor along with the fact that they were not always in the office due to courtroom activity and travelling. They also needed access to system case files to scrutinise information in order to respond to tasks or to take phone calls from the victims and witnesses. They accepted that COs might not have information due to omissions on their part. Prosecutors also described occasions when notes had been made but the case worker lacked confidence or felt underqualified to convey the information on file.
- 4.55 Inspectors were told that current expectations to make phone calls was simply unrealistic for every victim enquiry. The use of letters was generally a preferred method of communication due to the fact that victims were often upset, angry and unaccepting of any explanation being provided. Prosecutors felt that the emotional state of victims during such calls interfered with their ability to take in important information about their case - *"It can be awful as they are wanting to vent rather than hear reasons."*
- 4.56 Inspectors were told that conveying information in emotionally charged circumstances had resulted in lengthy calls lasting over an hour. In 2011 CJI noted, *'that the PPS staff were most conscious of the dichotomy between hearing and taking account of the needs of victims on the one hand, and not being seen to act as an advocate for individual victims.'*<sup>180</sup> The policy of the PPS was to give victims reasons in all cases where a decision was made not to prosecute<sup>181</sup> and to try to make the prosecutor available to consult with victims and witnesses.<sup>182</sup>
- 4.57 Some victims and witnesses wanted explanations about decisions. When COs had sufficient detail this had not always satisfied the victims and witnesses as they 'needed' to speak directly to the decision maker. Victims and witnesses feedback confirmed that frustrations sometimes and understandably overflowed when speaking to COs and prosecutors. On occasions, the prosecutors faced challenges in getting the 'needed' information across to victims and witnesses. **This remained an area for improvement and Inspectors believed that opportunities existed through an 'enhanced role' for VSNI later discussed in Chapter 5.**
- 4.58 At Leeds/Bradford it was very clear that the relationship between the WCU and prosecutors was seen as extremely important to the effectiveness of the unit. When Inspectors visited they heard that the SPOC status only worked well where the relationship with and access to prosecutors worked well. Staff explained that providing accurate and timely information to victims and witnesses, *"can be a fruitless exercise; the key problem is communication with CPS"*. Staff in the WCU experienced difficulty reaching prosecutors on phone and email.

180 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland* (2011), p22. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

181 *Code for Prosecutors: Giving of Reasons* (2016), p28, par 4.67. PPS web document available at [www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Code%20for%20Prosecutors.pdf](http://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Code%20for%20Prosecutors.pdf)

182 *Code for Prosecutors: Victims & Witnesses* (2016), p35, para 6.3. PPS web document available at [www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Code%20for%20Prosecutors.pdf](http://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Code%20for%20Prosecutors.pdf)

**VWCU co-location approach (diagram 1 – KSI 5/interface ‘h’)**

- 4.59 There were mixed views about the change from a co-location approach at Leeds/Bradford. Some staff thought co-location offered greater access and suggested that, *“it was easier to an extent as you could go upstairs and speak to the (CPS) manager.”* Others were not so convinced that co-location brought advantages, however, it was clear to Inspectors that this view was partially influenced by current frustrations around poor communication with and access to prosecutors.
- 4.60 Meetings with the CPS had also stopped and this had impacted yet further on partnership effectiveness. Nonetheless, the general sense was that lack of co-location was a route cause for worsening communications. The WCU manager was very clear on the WCU/Prosecutor relationship and the need for co-location and described it as, *“a key benefit”* in terms of providing a quality service to victims and witnesses.
- 4.61 The PPS has decreased the size of its estate significantly since the introduction of the VWCU in line with public sector budget cuts and moves to greater centralisation. Despite challenges in terms of available physical accommodation, the VWCU, unlike many WCU counterparts in E&W, had remained at the core of the PPS estate at Belfast and at Derry/Londonderry where it had a significant physical footprint. Inspectors endorsed this commitment and approach in the interest of ongoing efforts to maximise opportunities to develop services for victims and witnesses.
- 4.62 In 2014 the PPS Senior Management Group agreed that responsibility for the VWCU would be positioned within Corporate Services Directorate under the Senior Assistant Director for Resources & Change. This resulted in a separation of core prosecutorial functions and delivery of administrative victim and witness services. Inspectors believed that it was vital at this juncture to reassess the importance of the relationship between the VWCU and prosecutors. The approach to co-location by the PPS maintains and creates the ideal situation to develop this opportunity.
- 4.63 The situation described to Inspectors in Leeds/Bradford must be avoided at all costs if the VWCU was to fully achieve its potential in support of victims and witnesses, *“We were on one floor and they were on another and we didn’t see each other”*. There was a sense that frustrations did not get vented in any productive forum that encouraged engagement and enabled both parties to better understand the challenges faced in their particular roles. **Opportunities that encourage one-to-one interactions between COs and prosecutors such as rotational attendance at staff meetings or as part of inductions to both roles may play a helpful part in developing relationships.**

**Case Officer in the VWCU (diagram 1 – KSI 5/interface ‘h’)**

- 4.64 The relationship between victims and witnesses and the COs was quickly ascertained by Inspectors from the live environment and inevitably resulted in conversations being instigated by victims and witnesses about their personal experiences. These were not conversations that could or should be stopped or diverted simply for ‘administrative purposes’ such as updating or providing information.
- 4.65 It was clear to Inspectors that this aspect of the role demanded a skillset far beyond administration alone. One CO spoke to Inspectors about moving to the role of CO, *“One day I was photocopying and filing in a back office where I had no dealings with the public and the next day I was an AO in the VWCU talking and listening to and dealing with victims of the most awful crimes imaginable”*.
- 4.66 Highly trained frontline CHs took calls and professionally trained FR police officers (KSI 3/interface ‘c’) responded every day to the most serious crimes committed in NI. They met and engaged with victims and witnesses and investigated crimes, sometimes getting support from highly trained and experienced detectives or specialists who completed the investigation with a resulting case file then making its way to the PPS for direction.
- 4.67 At the VWCU, the victims and witnesses were allocated to a CO holding the grade of Administrative Officer.<sup>183</sup> The CO role had been the subject of two Job Evaluation and Grading Support reviews since the VWCU was created.<sup>184</sup> The grading had remained unchanged at ‘Level 1’ the starting level for staff established under The Northern Ireland Civil Service Competency Framework.<sup>185</sup>
- 4.68 COs were passionate that the relationship between the CO and victims and witnesses was unique and entirely different to traditional types of customer service roles across the NI Civil Service that responded to phone calls, complaints and enquiries etc. Inspectors fully endorse a view that the needs of victims and witnesses was uniquely different. For victims of crime and for witnesses, any failure to identify victims and witnesses needs or to initiate support had potential to significantly impact on the emotional and physical wellbeing of that individual and to outcomes for the victim and the CJS.
- 4.69 The role was not real time front-line in the traditional sense, such as CHs and FR Police Officers, however it was real time front-line in terms of supporting the very same victims with very real needs. Given their exposure to detailed information and to the level of engagement with victims and witnesses, it was easy to understand

183 Northern Ireland Civil Service Competency Framework: Level 1 - Administrative Officer (AO) grade (Updated 2018). NICS Recruitment web document available at [irecruit-ext.hrconnect.nigov.net/resources/documents/n/i/c/nics-competency-framework-2014---framework-updated-april-2018.pdf](https://irecruit-ext.hrconnect.nigov.net/resources/documents/n/i/c/nics-competency-framework-2014---framework-updated-april-2018.pdf)

184 Job Evaluation and Grading Support (JEGS): Good Practice Guide (2013). Gov.UK web document available at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/307808/JEGSGoodPracticeGuide240513Issue1.doc](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307808/JEGSGoodPracticeGuide240513Issue1.doc)

185 Northern Ireland Civil Service Competency Framework: Level 1 - Administrative Officer (AO) grade (Updated 2018), p6. NICS Recruitment web document available at [irecruit-ext.hrconnect.nigov.net/resources/documents/n/i/c/nics-cf.pdf](https://irecruit-ext.hrconnect.nigov.net/resources/documents/n/i/c/nics-cf.pdf)

why some COs exhibited and expressed the pressures they were under as the result of their engagement. In this sense, it was clear to Inspectors that the role of CO in the VWCU was not a typical or back office administrative function. COs occupied an absolutely vital role and they were a key interface with victims and witnesses.

4.70 Inspectors heard examples from COs where victims had threatened suicide during calls. A CO was so concerned for the safety of a victim in one particular case that local police had been contacted by the VWCU. On that occasion police had arrived in sufficient time to ensure the safety and wellbeing of the individual concerned. Although such incidents were rare, the likelihood of such an occurrence was very real indeed. Several of the COs described such situations as something they worried about with several telling Inspectors that they “dreaded” it happening to them.

4.71 Victims and witnesses who presented in such circumstances at this later stage of their journey, may not have presented themselves or been identified earlier by police or others. Inspectors believed that the same considerations must be made to those in roles such as COs in terms of training and wellbeing. A recent HMICFRS PEEL report stated: *‘As well as the overall volume of work, the changing nature of demand is leading to growth in areas such as investigating modern slavery and non-recent sexual abuse. This kind of work can cause more stress than many more traditional areas of policing. The increased pressure has a detrimental effect on the health and wellbeing of officers and staff. It is increasing the number of sick days they take or causing them to work while ill.’*<sup>186</sup>

4.72 Inspectors acknowledged the work of the PSNI to respond to the needs of staff working in specialist teams dealing with vulnerability. As a result (see Chapter 2) a new Wellbeing Strategy was published in 2019. **Inspectors believed that this work could assist the PPS in relation to wellbeing challenges and to future development of its approach to support VWCU staff in the context of their roles.**<sup>187</sup>

### Assessing needs - VWCU (diagram 1 – KSI 5/interface ‘h’)

4.73 Inspectors heard from staff at Leeds/Bradford WCU that meaningful conversations were vital in drawing together a holistic picture of the needs of victims and witnesses. Assessing needs was basically the mechanism used to gather information and identify needs specific to an individual and simultaneously providing information on the next stages of the journey and the processes involved. Recorded information was subsequently used to support applications for Special Measures and shared with prosecutors and appropriate referrals made to VSNi and the NSPCC.

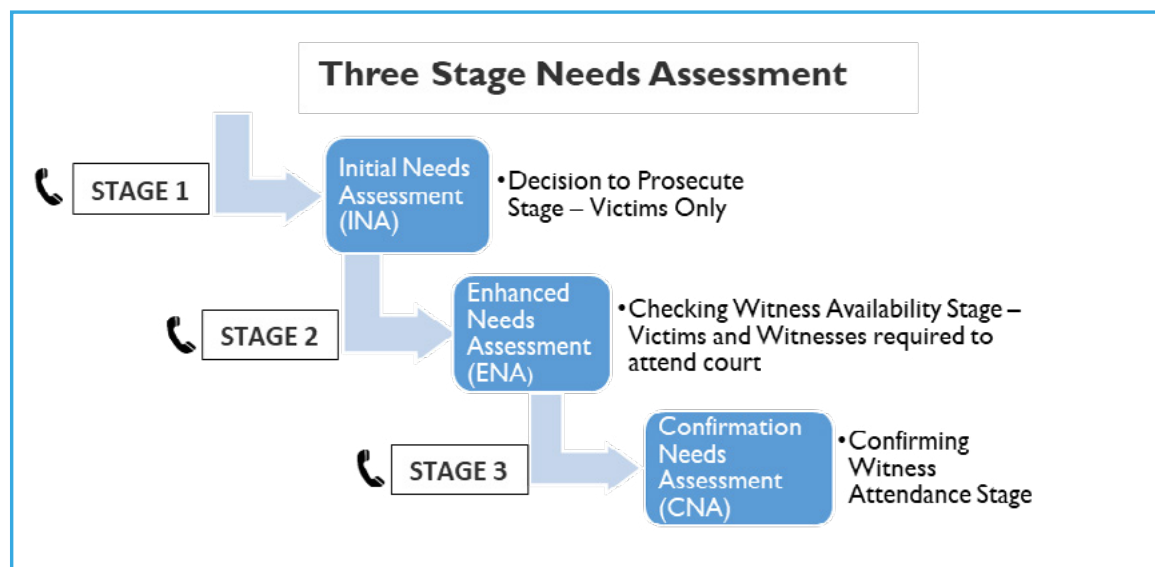
186 PEEL spotlight report - A System Under Pressure (2019), p16. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf)

187 PEEL spotlight report - A System Under Pressure - The pressures of demand affect the health and wellbeing of the workforce (2019), p8. HMICFRS report available at [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf)

4.74 At Leeds/Bradford WCU Inspectors observed staff carrying out needs assessments by phone. Confident and experienced staff subtly utilised their skills and managed conversations to ascertain the information. Whilst there was a requirement to update information on supporting systems, staff used this as a prompt during conversations to ensure that nothing of importance was omitted from their assessment.

4.75 A recent review of the WVCU had been undertaken by the PPS Business Improvement Team. The review was mainly driven by the introduction of the Charters and revised internal policy for dealing with victims and witnesses. Prior to the review in 2017 the assessment of victims needs was delivered via a three stage approach.

**Diagram 5: Pre-review approach – WVCU three stage approach to assessing needs**



4.76 The review sought to improve effectiveness and efficiencies relating to the provision and collation of ‘appropriate and timely information’. It also considered how to best identify needs and make referrals to support agencies as well as making improvements to the early identification of potentially vulnerable or intimidated victims and witnesses.

4.77 When case files were received from the PSNI by the PPS the CO sent an introductory letter acknowledging receipt of the case along with helpful information within five working days of receiving the file from the PSNI. The PPS practice differed from that at Leeds/Bradford and was also more efficient.

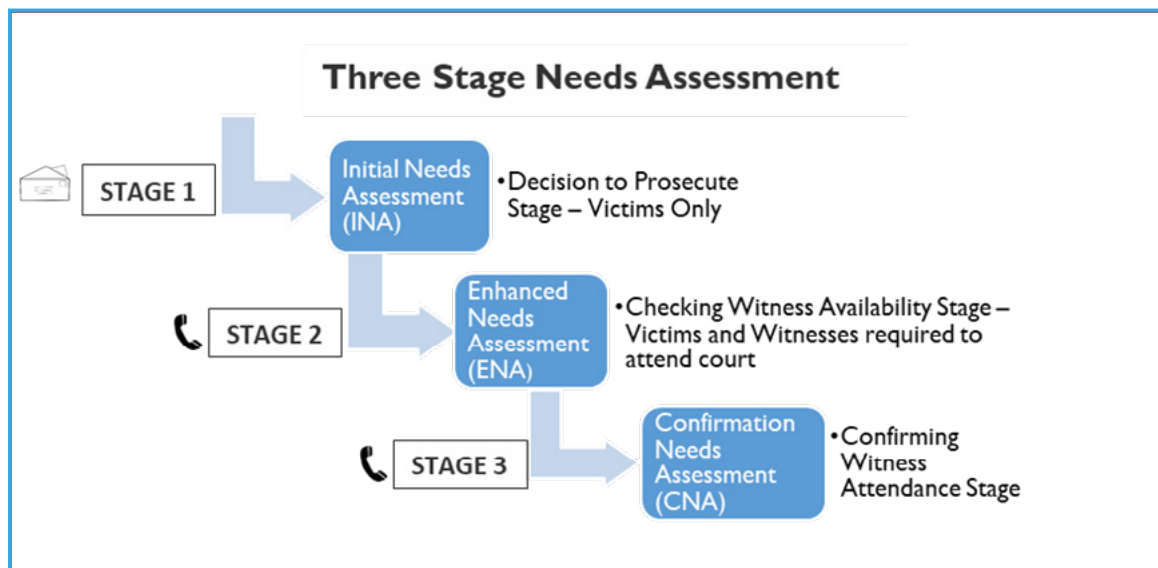


**VICTIMS AND WITNESSES**

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
**JULY 2020**

- 4.78 A key finding of the internal review indicated that the Initial Needs Assessment (INA) (effectively the first stage of the needs assessment process) was cumbersome and overloaded victims and witnesses with unnecessary information far too early at that stage of the case. VWCU staff had told Inspectors that phone calls involving large amounts of information often left victims and witnesses more confused and at times overwhelmed.
- 4.79 The PPS consequently tested the concept of conducting INAs by post (instead of phone) over a three month period. Findings, when measured against a comparative person-to-person phone sample, concluded that completed assessments had reduced by around 36%. The proportion of referrals to VSNI remained consistent however.
- 4.80 Additional analysis examined a subsequent five month period (total eight months). This result concluded that referrals had actually improved to the extent where the overall number of referrals (863) was greater than the comparative sample (835), although overall the return of completed INAs had now fallen by 52%.
- 4.81 A key recommendation from the review supported the introduction of new practice in regard to Stage 1 INA, i.e. the first of the three stage needs assessment process. New practice implemented in October 2017 and co-ordinated along with necessary IT enhancements and training, resulted in INAs being conducted by post and no longer by phone. The review recommended that stages two and three continue to be contact by phone.

**Diagram 6: Post review approach – VWCU three stage approach to assessing needs**



- 4.82 When making initial contact the WCU and the VWCU both faced similar challenges when it came to providing the right information at the appropriate time while remaining mindful of the impact of their communications. There was a very fine balance in terms of getting this process right. The current resource and the ever increasing volume of victims and witnesses had resulted in internal processes that were heavily dependent on communicating by letter. Given this dependency, the need for quality was unquestionable, both in respect of style and content.
- 4.83 Inspectors were aware of concerns raised by some stakeholders about the practice of assessing needs of victims and witnesses by letter with some referring to it as “a tick box exercise”. Primarily, the INA sought to communicate key basic information to the victims and witnesses so that that they were better equipped to understand where they were in their journey, next steps and entitlements.
- 4.84 Examination of the INA provided evidence of the tick box approach. However, in the context of the overall letter it formed only a small part. Questions dealt with by tick box generally sought answers that could only be answered with a yes/ no response. The single responses to such questions enabled the CO to initiate further and more detailed actions, for example, do you need, ‘Help to complete a Criminal Injuries Claim form for compensation?’ and do you need, ‘Help making a Victim Personal Statement? etc. (also accompanied with information about Victim Personal Statements).
- 4.85 Inspectors felt the INA letter could be further improved in assessing referral needs to the Victim Support Community Service for ‘emotional support’.<sup>188</sup> Immediate need for this service should not be subject to administrative delay in waiting for the letter to be returned. Victims and witnesses in need of emotional support were often amongst the most vulnerable in society. They were often not capable or could not recognise this need and must therefore be afforded every opportunity to access immediate help and to seek advice from the service provider (VSNI) as soon as possible.
- 4.86 **Inspectors believed that this was an area that should be reviewed. The review should focus on providing immediate access when required to this service, directly to VSNI or indirectly through the VWCU. It should also consider additional inclusion from the first point of contact with the notification sent when a file was received at the PPS.**
- 4.87 Consideration is needed on how this question was presented in the current letter and how it could encourage enquiry and any request for such support. In this regard, the provision of appropriate direct phone and email contacts and a named VSNI member of staff (when possible) should accompany the question itself and in addition to preceding information about VSNI.

188 Support & Help. VSNI webpage available at [www.victimsupportni.com/help-for-victims/](http://www.victimsupportni.com/help-for-victims/)

### OPERATIONAL RECOMMENDATION 8

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should review the Stage one Initial Needs Assessment letter sent to victims and witnesses within three months of the publication of this report.

- 4.88 Balancing victims and witnesses needs in regard to communication preferences with the needs of the VWCU1 service to efficiently and effectively identify information that contributes to a much more holistic and often complex picture of individual needs was a huge challenge for the CJS. This holistic picture (assessment of needs) was the foundation and key component that enables VWCU1 service to deliver. Responding was a balance between the resources available, the volume of victims and witnesses and the demands of the CJS itself.
- 4.89 Given the approach to needs assessment at Stage 1(INA) by postal communication (letter) and not personal contact by phone, Inspectors had concerns as to whether this was in the long term interests of victims and witnesses. **The move from a more personal approach to communicating by letter and the 'low completed' return rate of INAs during the pilot (and the additional period analysed) suggested a need for ongoing monitoring and review.**
- 4.90 Inspectors were satisfied that monitoring through existing governing structures provided adequate management of risk to facilitate a lengthy testing period in order to provide strong analytical evidence of outcomes. **A further full review of the evidence after a reasonable period of implementation should consider the quality, quantity and completeness of INAs posted and the impact of returned INAs on supporting outcomes for victims and outcomes in the CJS.**

### OPERATIONAL RECOMMENDATION 9

The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should review stage one of the overall three stage needs assessment process within three months of the publication of this report.

- 4.91 The INA letter from its outset (first paragraph) extended information to the victims and witnesses that had potential to encourage contact with the CO, *'As your point of contact I am available to assist you with any concerns you have in relation to this or any part of the criminal process.'* The following excerpt was from a similar letter used by the WCU in Leeds, Bradford:

### Excerpt 5: Letter used at Leeds Bradford WCU

I am writing to you to let you know that I am the witness Care Officer assigned to this case. This means if there is anything you wish to know about the case you should get in touch with me.

- 4.92 Concerns expressed by victims and witnesses and stakeholders about postal communications lead Inspectors to believe that minor adjustments to existing INA letters would result in improved outcomes for victims and witnesses.
- 4.93 Where postal communications were considered to be the most appropriate means by which to make contact with victims and witnesses, **consideration should be given to inclusion of a simple encouraging appeal that conveyed ‘we are here to help you so don’t hesitate to contact us’**. This should be clear and obvious from the outset so that the vulnerable or those in need of emotional support are encouraged to take what was often a difficult first step in making contact. Inspectors believed that such opening approaches are key to encouraging victims and witnesses to step through the doorway by which caring, help and support can be provided in a broader sense (initially VSNI) and not limited to the needs assessment they had received or the criminal process in which they are involved.

**Good practice -** Inspectors noted that letters sent to victims and witnesses by the Leeds/Bradford WCU commenced with sufficient details immediately following the salutation enabling the reader to quickly relate to what the letter was in connection with from the outset. In addition to providing a unique reference number it provided details of whom the case was against, the offence and the date of the incident. Similar letters from the VWCU took a somewhat different approach to this in that victims and witnesses were presented with a PPS reference number only. **The need to read and decipher pages of information in an attempt to establish a connection in the absence basic key initial facts was not considered helpful in this regard.** This also had specific additional impact on repeat victims and on those involved in more than one unrelated case.

- 4.94 CJI had previously recognised the work undertaken with stakeholders to develop letter templates. Continual review was an important part of that process and CJI had also highlighted the opportunities to support victims and witnesses by doing so. Inspectors also understood that the WCU and VWCU had both faced similar challenges resulting from the General Data Protection Regulations.
- 4.95 As part of continual improvement through the review process, Inspectors believed that adopting a similar approach to that by the Leeds/Bradford WCU would be a small but yet important step regarding the potential emotional impact caused by such letters.

4.96 Preceding paragraphs sought to bring greater understanding of how the VWCU currently assessed needs and the supporting processes by which that was achieved. Inspectors accepted that postal communication was one part of a larger holistic approach delivered through three key stages. In effect, it was that holistic approach when taken together that provided a complete picture of not just the needs assessment process but of contact with victims and witnesses.

4.97 This report did not revisit or replicate recent work undertaken to review individual letters sent out to victims and witnesses.<sup>189</sup> Instead, focus was on VWCU processes and how generic template letters fitted within that.

4.98 Previous reports by CJI had expressed concern in relation to the content and quality of letters that had been sent to victims by the VWCU.<sup>190</sup> The recent CJI inspection found that letters were used in 81.3% of cases examined (65 of 80) and that written communications were considered to lack empathy in over 18% (11 of 60). The quality of letters sent by the VWCU was reported as fair in 17% of cases and poor in 83%.

4.99 Poor quality was attributed to the template and inappropriateness of some paragraphs and also confusing and contradictory statements regarding outcomes or the inaccessibility of the language. A separate recent CJI inspection identified similar concerns and consequently recommended that the PPS undertake work to fully deliver the standards contained in the Victim Charter and in the PPS Victim and Witnesses Policy in order to address the issues identified.<sup>191</sup>

**Partnership approach to HR provision (diagram 1 – KSI 5/interface ‘h’)**

4.100 When the VWCU was introduced in 2012, both partners had committed to a 50:50 ratio split in terms of COs required to deliver the service. Both organisations had worked to maintain initial commitments but there was evidence that demand on policing was making continued commitment increasingly challenging. The PPS had meanwhile continued to ‘protect’ the number of staff required for the VWCU role.

4.101 Inspectors examined a newly drafted joint protocol between the PPS and the PSNI in which both remained committed to the VWCU concept.<sup>192</sup> The protocol clearly sought to resolve the increasing pressures to provide staff for the unit. The drafted protocol reflected a significant reduction from 50% in terms of the PSNI commitment to a new ratio split based on the PPS Business Improvement Team Review (2017). This indicated that the resourcing split for COs would move to a 2:1 ratio. In real terms this translated into 28 COs from the PPS and 14 for the PSNI.

189 *No Excuse, Public Protection Inspection II: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in Northern Ireland* (2019). CJI report available at [www.cjini.org/getattachment/079beabb-0094-40e9-8738-0f84cd347ae8/report.aspx](http://www.cjini.org/getattachment/079beabb-0094-40e9-8738-0f84cd347ae8/report.aspx)

190 Ibid

191 *Without Witness, Public Protection Inspection I: A thematic inspection of the handling of sexual violence and abuse cases by the criminal justice system in Northern Ireland, November* (2018), Operational Recommendation 4, p13. CJI report available at [www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx](http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx)

192 *Joint Working Protocol between Public Prosecution Service for Northern Ireland and Police Service of Northern Ireland* (2018), version 3.6. This internal PPS document is not publically available.

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 4.102 During fieldwork there was considerable feedback from COs in regards to “*divisive*” issues that generally fell into concerns regarding the application by management of terms and conditions as they applied to their respective organisations. The purpose of the protocol was, ‘to provide clarity in order for the units to work in partnership and more effectively.’
- 4.103 Some examples provided evidence that respective organisational interpretations had created unintentional disparities in treatment of staff. Senior staff from both organisations accepted the challenges presented by the existing partnership arrangements in regard to current arrangements and to contracts of employment.
- 4.104 Nonetheless, unit staff expressed frustration and strongly argued that all staff should be treated the same regardless of the organisation of origin and share the same terms and conditions of service. Staff told Inspectors that these issues would continue to attract unnecessary differences in treatment and be detrimental to continued team ethos, unity and harmony.
- 4.105 Inspectors fully tested this thinking during interviews and wider fieldwork but were unable to establish conclusive evidence to support or rebut any negative long-term impact on the team. Evidence from staff in this regard also predominately supported the contrary, i.e. that staff (regardless of organisation of origin) got on very well and worked happily together.
- 4.106 The drafted partnership protocol clearly attempted to deal with these and a variety of other Human Resource type issues such as staff conduct, line management, leave, discipline and performance. Also included in the protocol were arrangements for managing the previous concerns raised by staff in connection with health and safety and staff bonus schemes.
- 4.107 The draft also included clauses under the heading of Operational Resilience in which the PSNI drew further attention to its ability to sustain a commitment to the filling of VWCU vacancies. This was a significant clause with potential to impact on the VWCU maintaining and/or developing existing services for victims and witnesses. Previous discussion in Chapter 3 has also examined the impact of current demand on resources available to front-line operational policing.
- 4.108 Inspectors also heard from PSNI staff in the VWCU that co-location had left them ‘unsupported’ and feeling ‘abandoned’ by their parent organisation. Further enquiry on this point indicated that the PSNI had initially committed a police Inspector to work in the VWCU during the early years of the Unit. This was primarily to support staff and to help the project and the Unit to settle in. Both organisations (at every level) commended this early contribution and senior management acknowledged that this was not a sustainable resource given the arrangements for long-term management and governance of the Unit.

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 4.109 Inspectors also ascertained that the PSNI had allocated recent oversight of the PSNI staff to a police Inspector based at PSNI HQ. Inspectors confirmed with staff that the officer was supporting them through visits with the team. Inspectors were satisfied that current line management structures to provide supervision and support were appropriate but recognised the impact on staff that this cultural change had brought.
- 4.110 In 2012 the Justice Committee was informed that, *“Amalgamating police and PPS staff brings with it challenges, including the fact that PPS and police staff, although performing the same job, have significantly different terms and conditions. We are working through those challenges, engaging with the relevant trade unions and staff concerned.”*<sup>193</sup> The VWCU was now a well-tested and firmly established Unit within a model providing greater support to the victims and witnesses community across NI.
- 4.111 It was clear that the early identified partnership challenges for a model based on a joint resourcing approach continued even after many years of operation. Inspectors believed that alternative options may offer greater resolution of issues and create opportunities to enhance yet further the services provided by the VWCU (see related recommendations in Chapter 5).

193 *Witness Care Unit Project Briefing by the PSNI and the PPS* (2012), ACC George Hamilton (Chief Constable PSNI 2014-19), p4. Northern Ireland Assembly Official Report (Hansard) available at [www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927\\_witnesscareunitpublicprosecutionservice.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927_witnesscareunitpublicprosecutionservice.pdf)

# CHAPTER 5: DELIVERY AND OUTCOMES: ASSESSMENT OF THE VICTIM AND WITNESS CARE UNIT

## Complaints about the VWCU (diagram 1 – KSI 5/interface ‘h’)

- 5.1 The PPS like the CPS in England had an Independent Assessor of Complaints (IAC) but Scotland did not. Inspectors noted that the PPS had good website visibility dedicated to information on how to make complaints and to current reports published by the IAC. Inspectors met with the IAC in the course of this inspection.<sup>194</sup>
- 5.2 Making decisions and issuing directions was the role of the prosecutor, however, the VWCU was the interface for calls received from victims and COs spoke directly to the victims who contacted the PPS with concerns about directions, a challenging interaction that Inspectors had observed during live environment observations.
- 5.3 In the three year period from 2016 to 2018 a total of 223 complaints were made against the PPS. There was a continuing downward trend with a further 34% reduction in 2018-19. Around 80% of complaints were received from victims and witnesses and around 5% related to the VWCU which equated to an average of four victims and witnesses per year.
- 5.4 During the same period, the VWCU had dealt with 72,074 victims and there was evidence to indicate that victims and witnesses had been contacted on at least 76,308 occasions, not all contact was recorded in a structured way. Contact meant real contact by phone conversation with victims and witnesses and establishing contact could take multiple unsuccessful efforts by the CO. It was also noted that the PPS IAC did not deal with complaints about decisions to prosecute or not to prosecute.

## Needed administration (diagram 1 – KSI 5/interface ‘h’)

- 5.5 In 2017 a Review of Victim Care in the Justice Sector in Scotland by the former Solicitor General, Dr Lesley Thomson QC, was published by the Crown Office and Procurator Fiscal Service (COPFS) in Scotland.<sup>195</sup> The review examined the Victim Information and Advice Service (VIA) established as the result of the Scottish Strategy for Victims in 2001 and formally launched in 2002.<sup>196</sup>

194 PPS Independent Assessor of Complaints. PPS webpage available at [www.ppsni.gov.uk/independent-assessor-complaints](http://www.ppsni.gov.uk/independent-assessor-complaints)

195 Review of Victim Care in the Justice Sector in Scotland by Dr Lesley Thomson, QC (2017). COPFS web document available at [www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf)

196 Scottish Strategy for Victims (2001). Scottish Government web document available at [www2.gov.scot/Resource/Doc/158898/0043164.pdf](http://www2.gov.scot/Resource/Doc/158898/0043164.pdf)



5.6 The VIA like the WCU shared many similarities to the VWCU and both shared future uncertainty as the result of recent and ongoing reviews already discussed. The review in Scotland made two key observations in respect of service provision of the VIA. Inspectors have utilised these to reinforce evidence obtained during this inspection and to bring greater understanding to the current role and function of the VWCU as it currently exists. The two ‘distinct ways’ identified were:<sup>197</sup>

- 1) **Primarily administrative in nature (VIA1)** - ‘A service which meets COPFS’s essential commitments to victims, ensuring that victims’ rights are effective. In this aspect of the role VIA is primarily occupied with the provision of case information and the administration of aspects of the special measures regime. In some regards this aspect of the VIA role can be seen as being primarily administrative in nature, but nonetheless resource-intensive, as alluded to above.’
- 2) **Victim Led (VIA2)** - ‘Rather than being focussed on the victim’s rights or the prosecutor’s obligations, it is focussed on the individual needs of the victim. It relies on meaningful engagement with the victim by people who are skilled and experienced in victim engagement and, crucially, who have an intimate understanding of the criminal justice system. The role requires empathy, sensitivity and patience. It requires a professional approach, not only because it demands specialist knowledge, skill and experience but also in the sense that it requires the exercise of judgement and discretion in deciding how to approach matters, the level of information to provide and, crucially, when to raise issues with other criminal justice partners.’

5.7 Inspectors found that VIA1 and VIA2 services in many respects mirrored the activities delivered by the VWCU. The VWCU1 service function described by the then Minister of Justice in 2011 describes it as a service providing information for those attending court and providing updates on how the case was progressing.

5.8 Like the VIA1 service, Inspectors found a large part of VWCU1 service to be, ‘primarily administrative in nature’. Inspectors had listened to many people in the course of this inspection and some criticised the ‘administrative’ approach to care. Indeed, it seemed at times that the two areas of business were almost in conflict.

5.9 The Scottish finding sets out the VIA1 administrative role in clear terms and as one of two parts of its overall service. The NIVAW survey in 2016-17 found that 79% of respondents reported that they had been kept informed by a CJS source on how their case was progressing (an increase of 9% from 2011-12).<sup>198</sup>

197 *Review of Victim Care in the Justice Sector in Scotland* by Dr Lesley Thomson, QC (2017), p45, ch5. COPFS web document available at [www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/Review%20of%20Victim%20Care%20in%20the%20Justice%20Sector%20in%20Scotland.pdf)

198 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System* (2017), p9. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 5.10 It was the view of Inspectors that current VWCU1 administrative functions and processes were absolutely necessary and demanded substantial administrative input by COs and supervisors. This required and was supported by a strong management structure with good governance in place. Given the volume of cases flowing through the PPS and the tasks associated with victims and witnesses, Inspectors concluded that administration was an inextricable necessary requirement of delivering the overall service of the VWCU. That part of the overall service was in itself demanding on staff as well as resource intensive.
- 5.11 Inspectors met, observed and listened to many COs who understood the challenges they faced in dealing with victims and witnesses and it was clear that staff cared. What was not so clear was how caring staff translated into a caring service. Staff spoke frankly about the burden of administration and confirmed that the vast majority of this emanated from sending out *“far too many unnecessary Charter letters”*.
- 5.12 The NIVAW survey also found that 66% of survey respondents were satisfied with how often they had been kept informed about the progress of their case and over three quarters were satisfied with the information received.<sup>199</sup> Personal performance targets for letters to victims and witnesses were directly linked to the timescale pressures described by COs, such as:
- issue New File Received letters to victims within five working days of receipt of task, ensuring letters are accurate and relevant. KPI figures for 2016-17 and 2017-18 showed that COs had consistently achieved the administrative KPI of 90% averaging 90.6%;
  - issue Decision letters to victims within five working days of receipt of task, ensuring letters are accurate and relevant. KPI figures for 2016-17 and 2017-18 showed that COs had consistently achieved the administrative KPI of 90% averaging 97.6%; and
  - issue outcomes of cases within five working days of receipt of task, ensuring letters are accurate and relevant (outcomes referred to a final result against the case, such as a plea of guilty and conviction or plea of not guilty and acquittal).
- 5.13 Providing management information had created a number of technical challenges and the PPS were actively pursuing resolution at the time of the inspection and meanwhile line managers were actively supervising all tasks.
- 5.14 The quantity of targets and timescales associated with required letters directly impacted on the time to talk to victims. A number of staff said they felt constantly worried and anxious about getting letters out on time and that this in turn directly impacted and interfered on their ability to give time to victims and witnesses. When talking to victims on the phone some felt constantly preoccupied with letters that needed their attention.

199 NIVAWS: *Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System* (2017), p9. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

JULY 2020

- 5.15 The CO's role was primarily administrative but also required engagement with victims and witnesses on the phone. This extremely important part of the role required particular skills, qualities and training.
- 5.16 Inspectors considered this part of the role as one of professional customer care but fell short of the provision of care intended by a more holistic approach to support victims and witnesses. Professional customer care provided through the VWCU, the NSPCC and VSNI partnership had positive outcomes. Court users reported significant improvements in information about where to go on arrival at court (an increase from 66% in 2011-12 to 81% in 2016-17) and knowing who to speak to when they arrived at court (increased from 63% to 73%).<sup>200</sup>
- 5.17 There was an inextricable link between professional customer care and provision of care. This depended on the assertiveness, alertness and general skillset of the CO to recognise and identify needs and follow that up with action resulting in the provision of care. This needed to be a continual process and consideration at every contact point and not limited to process alone, such as the three stage Needs Assessment process by letter, phone call or email.
- 5.18 The demands of administration on COs (including tasks such as printing, enveloping and posting letters) was detracting significantly on time for meaningful victim contact. **The PPS should consider options to support and reduce the current CO's administration function.**
- Needed provision of care (diagram 1 – KSI 5/interface 'h' and 'i')**
- 5.19 The second service described by the then Minister of Justice was intended to aid referrals to other organisations if a victim or witness required specialist help. Partnership arrangements for the current VWCU model included the presence of three permanent staff from VSNI.<sup>201</sup> All three staff were funded by the DoJ but operationally aligned and managed directly by VSNI. The three VSNI staff were employed primarily in a role to deliver the VSNI Witness Service.<sup>202</sup>
- 5.20 A similar funding arrangement existed to ensure the provision of the NSPCC Young Witness Service<sup>203</sup> but the NSPCC did not have staff attached to or working directly as part of the VWCU. Both service providers reported directly to the DoJ on performance and outcomes for the witness services they provided and also held seats as members of the VWSG (discussed in Chapter 2). Inspectors found no clearly defined role for VSNI within the VWCU and therefore no formalised monitoring of performance or outcomes by the DoJ for activities within the VWCU.

200 NIVAWS: *Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System* (2017), p1. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

201 *NI Victim Charter - Standard 1.5: Referral to a victim support service provider* (2015), p10. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)

202 *Witness Service Information*. VSNI webpage available at [www.victimsupportni.com/help-for-witnesses/](http://www.victimsupportni.com/help-for-witnesses/)

203 *Young Witness service*. NSPCC webpage available at [learning.nspcc.org.uk/services-children-families/young-witness-service/](http://learning.nspcc.org.uk/services-children-families/young-witness-service/)

- 5.21 The then Justice Committee were briefed on the two key components of the VWCU model prior to its establishment. The first component described an ‘individual witness needs assessment’ and the second described the function of VSNI within the VWCU, *‘Throughout the process, we will also refer victims and witnesses to other support agencies as required, using VSNI as the portal.’*<sup>204</sup>
- 5.22 Inspectors met with many stakeholder organisations and spoke to senior managers including Chief Executive Officers and Senior Management Teams. No organisation spoken to had awareness of such an arrangement for referrals to their services nor were they able to produce any evidence that a referral had originated through that pathway.
- 5.23 **Such information would be useful in aligning victims and witnesses outcomes as the result of referrals identified through an efficient and effective SPOC process. Inspectors considered this to be an area for improvement.** When Inspectors spoke to COs they were unclear of when they should make referrals to VSNI and some told Inspectors that they contacted or signposted other organisations without involving VSNI.
- 5.24 Inspectors found no formal agreed protocols between the PPS and VSNI. The purpose of the earlier discussed draft protocol between the PSNI and the PPS was, *‘to provide clarity in order for the units to work in partnership and more effectively.’* Inspectors heard that VSNI were an accepted and equal partner in the VWCU team and this belief was endorsed in accounts provided by VSNI staff themselves.
- 5.25 However, in the absence of agreed protocols dealing with issues such as, resource resilience, performance management and agreed outcomes, it was hard to see how that vision could be fully realised. In Belfast, Inspectors learned that the VSNI position was and had been vacant for several months previously. The recruitment of a suitable replacement by VSNI and necessary security clearances resulted in delay. Cover was being provided by VSNI but this was affected by other witness service duties.

**OPERATIONAL RECOMMENDATION 10**

**The Public Prosecution Service for Northern Ireland in partnership with Victim Support Northern Ireland should formalise and implement a partnership service provision protocol within three months of the publication of this report.**

204 *Witness Care Unit Project Briefing by the PSNI and the PPS.* Marianne O’Kane, Senior Assistant Director, PPS (2012), p3. Northern Ireland Assembly Official Report (Hansard) available at [www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927\\_witnesscareunitpublicprosecutionservice.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927_witnesscareunitpublicprosecutionservice.pdf)

- 5.26 Like PSNI staff, VSNI staff worked within the live environment previously outlined. Inspectors also learned that VSNI staff were not included in team meetings on the everyday operational functioning of the team. COs also confirmed that when they made referrals to VSNI that there was no mechanism for formal feedback or learning. **Inspectors considered this to be an area for improvement.**
- 5.27 The CO, in providing the VWCU1 service, was the critical link to provision of care. They were the doorway to care provision. VSNI were dependent on the effectiveness of current processes and the skills of individual COs to ensure that they received all appropriate and timely referrals for support (usually electronically as a task from the CO).
- 5.28 VSNI told Inspectors that they sometimes provided immediate advice and emotional support by phone when this was identified to them when working alongside the VWCU team. When such needs were identified and referrals resulted in support from VSNI and the NSPCC, the victims and witnesses satisfaction ratings were very encouraging, VSNI’s Witness Service and the NSPCC’s Young Witness Service had achieved satisfaction rates reaching almost 100% in 2016-17.<sup>205</sup>
- 5.29 **All VSNI staff within the VWCU had completed Applied Suicide Intervention Skills Training<sup>206</sup>. Based on the evidence provided and presenting to Inspectors, the PPS should secure this training for the VWCU team as an area of improvement.**
- 5.30 ‘Referral to a victim support service provider’<sup>207</sup> was a key entitlement listed as Standard 1.5 of the Victim Charter. No victims, witnesses and families spoken to by Inspectors knew about VSNI services within the VWCU or that they could access them through the VWCU. The absence of this was concerning.
- 5.31 Inspectors also had feedback expressing concerns on behalf of communities who did not want to have any contact with the VWCU because they believed, “it is staffed by police” and others believed that the VWCU was in fact VSNI. This was surprising given the length of time that the VWCU had been in operation and disappointing given that postal communications from the VWCU made specific reference to VSNI and its services. Victims, witnesses and families were completely confused about what the difference was between the two and regularly asked Inspectors, “are they not the same thing?”

205 NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017), p3. Available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

206 Applied Suicide Intervention Skills Training (ASIST). Action Mental Health webpage available at [www.amh.org.uk/services/menssana/asist/](http://www.amh.org.uk/services/menssana/asist/)

207 NI Victim Charter - Standard 1.5: Referral to a victim support service provider (2015), p33. DoJ web document. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)

- 5.32 This confusion was not limited to the VWCU and VSNI but reached across the entire system when it came to victims, witnesses and families understanding of what support and services each of the CJAs provided. However, victims, witnesses and families were clear that their priority was not about the provider or the name of the organisation but about ease and access to information enabling help, support and services.
- 5.33 It was in this context that victims, witnesses and families and many stakeholders talked about ‘a single point of contact’. When it came to provision of victim focused services by the CJS, most victims wanted continuity, they wanted help and support that was delivered in an uncomplicated way and provided by well-informed professional caring staff. They were much less concerned about who or what organisation provided them with what they needed.
- 5.34 National strategic focus through the review of the Code of Practice in E&W was driving continual improvement in the treatment of victims and witnesses in the CJS. The WCU partnership model at Leeds/Bradford had changed significantly in terms of the resource ratio provided by police and the CPS and the physical relocation of the WCU out of the CPS estate. The WCU model, on which the VWCU was originally based, had changed significantly in E&W and this had culminated in a need for national review.
- 5.35 The PPS and PSNI VWCU partnership however had remained steadfast in terms of the original vision, the provision of people and Unit location. In doing so, Inspectors believed that this had now created a firm basis for further development of the current service model.
- Future HR approach (diagram 1 – KSI 5/interface ‘h’)**
- 5.36 Many of the initial challenges faced by the PPS and the PSNI in establishing the VWCU had been overcome, including accommodation, structure, shared technology, policy, practice and business processes and in these areas the Unit was now well established.
- 5.37 The original service model based on a 50:50 split continued to present two ongoing challenges. One was driven mainly by demands on policing and the other by differences in terms and conditions for two sets of staff from different organisations. This of course was a natural consequence of the original partnership approach.
- 5.38 **To minimise any potential risk to future service provision, other resourcing approaches offering greater sustainability and resilience should be explored.** This should include transition to a service model where all staff have the same terms and conditions. **The WCU external recruitment options should also be considered.**

**Future provision of care (diagram 1 – KSI 5/interface ‘h’ and ‘I’)**

- 5.39 The assessment of individual needs was key to delivering outcomes for victims and witnesses. It was the critical link that ensured that all needs were properly identified. Needs not identified at an early point by police must not result in victims and witnesses passing through this point in their journey without this protection from the CJS.
  
- 5.40 In 2015, CJI reported that *‘Inspectors also concluded there is a need for an overall tangible cultural shift from ‘system’ to ‘service’ and to greater customer care, understanding and interpersonal skills across the criminal justice system.’*<sup>208</sup> Current VSNI responsibilities are set out in the Victim Charter, i.e. *‘provides a single point of contact for victims and witnesses, for as much of the prosecution process as possible.’*<sup>209</sup>
  
- 5.41 VSNI continue to play an important part in delivering and signposting caring services that support victims, witnesses and families. *‘When respondents who had experienced contact with Victim Support were asked to rate their level of satisfaction with such contact, the vast majority of respondents across each sweep of the survey (almost nine out of ten) reported that they had been satisfied with the contact.’*<sup>210</sup>
  
- 5.42 Inspectors support a model in which the current VWCU1 administrative service was resourced by professional administrators with enhanced skills and where a VWCU2 service was resourced by professionals in care provision. **The existing VWCU services provided by VSNI should be reviewed and consideration given to extend service provision to include assessing the needs of victims and witnesses.**
  
- 5.43 Inspectors believed that a revised model will impact positively on victims and witnesses outcomes in the identification of needs, single access point and provision of care delivered. This will facilitate service consistency by VSNI and their role in the VWCU.

208 *The Care and Treatment of Victims and Witnesses in the Criminal Justice System in Northern Ireland, Incorporating The Use Of Special Measures – Executive Summary*, (2015), p9. CJI report available at [www.cjini.org/CJNI/files/7c/7c2edad9-98a3-4ff8-a5f8-dd78d5bd254d.pdf](http://www.cjini.org/CJNI/files/7c/7c2edad9-98a3-4ff8-a5f8-dd78d5bd254d.pdf)

209 *NI Victim Charter (2015)*, p9. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-Charter.pdf)

210 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017)*, p33. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

## STRATEGIC RECOMMENDATION 4

The Public Prosecution Service for Northern Ireland in partnership with the Police Service of Northern Ireland should establish a Victim and Witness Care Unit working group to examine a future Victim and Witness Care Unit service model, with a focus on enhanced provision of care for victims and witnesses in Northern Ireland within three months of report publication. A next steps options paper with recommendations should be prepared and submitted to the Criminal Justice Board within nine months of report publication. The paper should include options for:

- future human resource structures and models; and
- the development of the current Victim Support Northern Ireland provider role to include a Victim and Witness Needs Assessment Service adjoined to and supporting existing Victim and Witness Care Unit services.



## CHAPTER 6: DELIVERY AND OUTCOMES: SUPPORT BEFORE, DURING AND AFTER COURT

### Court - Witness services (KSI 5 - key stage k)

- 6.1 Feedback reaffirmed the impact for many waiting to attend court and of attending itself. In a recent survey witnesses waited on average three hours and 18 minutes before being called into court or being told they were not required (68% were not required).<sup>211</sup> At this point outcomes for victims and witnesses and for the system were heavily dependent on the ability of the agencies and partners to have listened, to have identified and to have responded appropriately to their needs.
- 6.2 Some had suffered physical and psychological injury and harm and some had been kept waiting by the CJS for years before getting to this point. The period between the commission of the crime and the court hearing was the real waiting room.
- 6.3 A key finding based on a study of 44 victims and witnesses at Crown Court in England found that, *'There was much frustration about lengthy waiting times; both before the case came to court and while at court.'*<sup>212</sup> There had been significant improvement to outcomes for victims and witnesses in NI about concerns regarding separate waiting areas from others involved such as defence witnesses and the defendant. This had increased from 74% in 2011-12 to 84% of respondents in 2016-17.<sup>213</sup>
- 6.4 At its 2019 conference the NSPCC told delegates that NI was the worst performing region of the UK when it came to bringing cases to court involving children and that, on average, cases took 900 days.<sup>214</sup> The day of the court was therefore fuelled by emotion.
- 6.5 The Charters set out entitlement to free services provided to help and support all prosecution witnesses, families and friends when they were required to attend court. Those services were provided by VSNI (Witness Service – 18 and over)<sup>215</sup> and the NSPCC (Young Witness Service – under 18).<sup>216</sup> Inspectors met with both organisations, their staff and their volunteers during a number of site visits across NI.

211 Data provided by the NICTS.

212 *Out of the shadows: victims' and witnesses' experiences of attending the Crown Court* (2013), p4. Birkbeck Institutional Research Online available at [eprints.bbk.ac.uk/13550/1/Out%20of%20the%20shadows.pdf](https://eprints.bbk.ac.uk/13550/1/Out%20of%20the%20shadows.pdf)

213 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System* (2017), p23. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

214 *Safeguarding Young Witnesses in the Criminal Justice System* - NSPCC, 20th Anniversary, Young Witness Service Conference (2019).

215 *Witness Service*. VSNI webpage available at [www.victimsupportni.com/help-for-witnesses/](http://www.victimsupportni.com/help-for-witnesses/)

216 *Young Witness Service*. NSPCC webpage available at [learning.nspcc.org.uk/services-children-families/young-witness-service/](http://learning.nspcc.org.uk/services-children-families/young-witness-service/)

The organisations offered a range of services that included the following:<sup>217</sup>

- having someone to talk to;
- providing information on court procedures;
- going with you to the court and letting you look around the courtroom, before you are called as a witness;
- providing a quiet place for you to wait before and during the hearing;
- having someone to go with you into the courtroom or the live TV link room when you give evidence;
- giving practical help with things such as expense forms;
- putting you in touch with people who can answer specific legal questions (the witness services do not discuss evidence with witnesses); and
- giving you a chance to talk over the case once it is over, to get more help or information.

6.6 Websites for both services offered extensive information. They were engaging and took victims and witnesses through a variety of situations in simple language and easy to navigate screens designed specifically with the needs of the victim and witnesses in mind. The organisations had agility to react quickly and were not impeded by bureaucracy when it came to introducing meaningful support. Initiatives such as pop-up courtroom models were used so that volunteers could fully explain what to expect in court before entering the courtroom and technology was used in a variety of creative ways.

6.7 There had been a good improvement from 55% in 2011-12 to 65% in 2016-17 by those attending court and in their understanding of what happened in court.<sup>218</sup> There had been year on year improvement reported by court users of being offered a pre-trial court familiarisation visit. This had risen from 48% in 2011-12 to 59% in 2016-17.<sup>219</sup>

6.8 When at court, users consistently said they understood what was happening. This peaked at 94% 2013-14 and only dropped slightly to 93% in 2016-17.<sup>220</sup> Recently the NSPCC introduced an assistance therapy dog to reduce the stress of vulnerable children at court. Inspectors heard first-hand accounts of the very positive impact that 'Connie' had made on the day of the court.<sup>221</sup>

217 *Witness services and special court measures*. NI government information available at [www.nidirect.gov.uk/articles/witness-services-and-special-court-measures](http://www.nidirect.gov.uk/articles/witness-services-and-special-court-measures)

218 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017)*, p1. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

219 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017)*, p2. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

220 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017)*, p2. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

221 *Justice Minister meets those who support children at court*. DoJ webpage available at [www.justice-ni.gov.uk/news/justice-minister-meets-those-who-support-children-court](http://www.justice-ni.gov.uk/news/justice-minister-meets-those-who-support-children-court)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 6.9 Throughout this inspection the feedback about these services was extremely encouraging and often complimentary. Victims expressed gratitude and highly valued the support and help provided to them before, during and after the court experience. Of those giving evidence in court 68% of respondents (2016-17) reported having been kept informed at least once an hour (a 15% increase from 2008-09).<sup>222</sup> All those responsible for delivering the witness services and with whom Inspectors met were highly motivated. Volunteers were often exceptional in terms of their interpersonal skills, EI and level of commitment to helping and supporting witnesses.
- 6.10 Inspectors met volunteers from many different backgrounds, some of whom had been victims themselves and some were family to victims but not all had such a connection. Their professional skills and life experience was extensive and impressive.
- 6.11 Of the 11,509 hours needed to deliver the VSNI Witness Service, unpaid volunteers provided 76% of this time resulting in 6,897 victims, witnesses, family members and friends receiving support at court.<sup>223</sup> A study of victims and witnesses at Crown Court in England found, *'It was clear that the sympathetic support offered by Witness Service staff and volunteers was particularly valued.'*<sup>224</sup>
- 6.12 In 2015 CJI commented, *'The danger of professionals becoming process driven and de-sensitised to the needs of victims and witnesses must be avoided.'*<sup>225</sup> This report had examined in detail some of the key victim interfaces within CJS and the associated roles and services and how care showed itself. For some individuals caring was about doing their job well. For managers it was about delivering efficient and effective services. Both were required to deliver a professional service.
- 6.13 When Inspectors met a long serving volunteer with the NSPCC's Young Witness Service, it was clear to see why caring contributions were so highly regarded by the victims we met (see Appendix 5 – 'A Day in the Life of a Young Witness Service Volunteer with the NSPCC').
- 6.14 Inspectors met Police Officers and staff whose efforts to engage with victims and witnesses were routinely overtaken by pressures of necessary administrative process. Inspectors concluded that in developing care provision utilising service providers, such as the NSPCC and VSNI, the CJS must remain steadfastly focused on delivering that outcome and care providers must not be over-burdened in their administrative functions but given capacity to do what they do best.

222 NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017), p2. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

223 Annual Report 2017/2018. VSNI web document available at [www.victimsupportni.com/site/wp-content/uploads/2018/12/Annual-Report-2017-2018-final.pdf](http://www.victimsupportni.com/site/wp-content/uploads/2018/12/Annual-Report-2017-2018-final.pdf)

224 *Out of the shadows: victims' and witnesses' experiences of attending the Crown Court* (2013), p30. Birkbeck Institutional Research Online available at [eprints.bbk.ac.uk/13550/1/Out%20of%20the%20shadows.pdf](http://eprints.bbk.ac.uk/13550/1/Out%20of%20the%20shadows.pdf)

225 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland* (2011), page x. CJI report available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

**Court - Estate and facilities (diagram 1 – KSI 5/interface 'k')**

- 6.15 Victims and service providers had raised some concerns about court accommodation and facilities provided to victims and about court equipment and technology to facilitate the achievement of best evidence. Inspectors met 'Courts 2020' Transformation Programme (the Programme) staff responsible for delivering a modern affordable NICTS for the next decade and beyond.<sup>226</sup>
- 6.16 The Programme was just underway and Inspectors were satisfied that there was good understanding of the needs of victims and their expectations. The transformation portfolio consisted of four key business areas for programme delivery. They were before Digital, Estates, Service Redesign and Supporting Business Change.
- 6.17 The NICTS worked in partnership with the NSPCC and VSNI to deliver effective witness services. The partnership was managed and defined through a 'Partnership Protocol' and this had been updated in 2017.<sup>227</sup> **The Victim and Witness policy was dated and required updating.**
- 6.18 Given the pivotal role and intensity of engagement by the NSPCC and VSNI with victims and witnesses, Inspectors recognised the importance of involving and consulting both partners as part of the ongoing Transformation Programme. This was considered crucial to identifying a number of challenges faced by service providers and the NICTS in relation to victims and witnesses needs including Special Measures and avoidance of delay such as:
  - c. appropriate accommodation;
  - d. robust, reliable technology including screens, live TV links, playback for interview recordings, presentation of evidence and agency compatibility; and
  - e. competent court clerk and operator availability and training, early identification of any issues and resolutions found.
- 6.19 When Inspectors met with key staff at the NICTS, work was about to commence on assessment of needs. Consideration should be given to formal input to the Transformation Programme by the NSPCC and VSNI to ensure that victims and witness needs and witness services needs are fully considered and integrated to future development of the courts estate.

<sup>226</sup> NICTS Annual Report and Accounts for 2018/19 (2019), p12. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nicts-annual-report-accounts.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nicts-annual-report-accounts.pdf).

<sup>227</sup> Partnership Protocol (2017). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/Partnership%20Protocol%20NICTS%20VSNI%20NSPCC%20January%202017.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/Partnership%20Protocol%20NICTS%20VSNI%20NSPCC%20January%202017.pdf)

**OPERATIONAL RECOMMENDATION 11**

The Northern Ireland Courts and Tribunals Service should implement arrangements to formalise input from the National Society for the Prevention of Cruelty to Children and Victim Support Northern Ireland service providers on assessment of needs impacting on the 'Courts 2020' Transformation Programme within three months of the publication of this report.

**Court - Special Measures (KSI 5 - key stage k)**

- 6.20 It was encouraging to note that the Charters had not elevated Special Measures in dominance over all other considerations and entitlements when it came to improving the victim experience and how they were treated by the CJS. Instead they were communicated in a much broader holistic context of all victim entitlement and support. An excerpt from the NI Direct website provided a helpful overview of what the term Special Measures meant.<sup>228</sup>
- 6.21 In the four year period 2015 to 2018, Inspectors noted that 5,239 Special Measures applications had been made across Crown Courts and Magistrates' courts and 3,297 were granted. Crown Courts had refused less than 1% and Magistrates' courts had refused just under 2%. Crown Court applications in 2018 had increased by about 30% when compared to 2015 and Magistrates' courts were indicating a decline from 859 to 726 (15%).<sup>229</sup>
- 6.22 A pre-recorded cross-examination of vulnerable victims and witnesses had commenced through a pilot in E&W in 2013. This had focused initially in three Crown Court centres and applied to those who were vulnerable on the basis of being under 16 years of age or if they suffered from some learning or physical disability. The pilot was evaluated in 2016 by the Ministry of Justice. A Government announcement to roll out the pilot to all Crown Courts in E&W remains to be implemented.
- 6.23 In early 2017 the then Minister of Justice in NI also announced plans to pilot pre-recorded cross-examination for 12 months from summer 2017. Inspectors learned that this had not yet taken place due to challenges relating to disclosure practice in NI.
- 6.24 In the 2016-17 NIVAWS, all respondents who had met the PPS lawyer before entering the courtroom felt that he/she had been courteous towards them. The equivalent figures for all other years were also high, at over 90%. By contrast, much lower proportions of respondents who had been cross examined felt that the barrister for the defence had been courteous towards them at 50% or under.

228 *Witness services and special court measures*. NI government information available at [www.nidirect.gov.uk/articles/witness-services-and-special-court-measures](http://www.nidirect.gov.uk/articles/witness-services-and-special-court-measures)

229 Based on NICTS Figures for 2018 which were provisional and may be subject to change

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 6.25 The Gillen Review had recommended the introduction of pre-recorded cross-examination, *'at least in serious sexual offence cases but preferably in all Crown Court cases involving vulnerable witnesses and victims.'*<sup>230</sup> This was to commence on a carefully phased basis and was accompanied by 17 other prerequisite sub-recommendations that included one to address disclosure. Inspectors met with the DoJ and were advised the Gillen Review would be the vehicle to progress pre-recorded cross-examination.
- 6.26 Interpreter Services had been increasing year on year with 'thebigword' currently the service provider to 15 criminal justice organisations for telephone interpretation.<sup>231</sup> Between 2014 and 2018 the PSNI had increased requests for telephone interpretation services by 56% (from 3,388 to 5,285). The breakdown between victim, witness and perpetrators was not recorded. In the most recent full year (2017-18), 97% of calls were serviced within 61 seconds on average.
- 6.27 Registered Intermediaries (RIs) were recruited by the DoJ and provided specialist communication support to vulnerable victims, witnesses, suspects and defendants with significant communication difficulties.<sup>232</sup> The ability of the system to identify these needs was once again at the centre and crucial to ensuring that victims and witnesses were correctly supported when it came to communicating more effectively when interviewed by police and when giving evidence at trial.<sup>233</sup>
- 6.28 RIs had been introduced in 2013 as a pilot and reviewed in 2015 and 2016.<sup>234</sup> There has been a steady increase in the use of RIs since that time. Figures indicated a 16% increase between 2017-18 and 2018-19. The service was available in Crown, Magistrates' and Youth courts but, *'The final decision on the use of a Registered Intermediary, as with any special measure, is a matter for the judge.'*<sup>235</sup>
- 6.29 Feedback was positive and Inspectors fully endorsed the NI approach to provision in its wider consideration to all key stages of the journey and to inclusion of defendants. The statutory scheme in E&W didn't support defendants. Of 828 applications in 2018-19, 93 were suspects (11.2%) and 53 were defendants (6.4%).<sup>236</sup>

230 Gillen review: Report into the law and procedures in serious sexual offences in NI (2019), Recommendation 22, p157. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf)

231 'thebigword' website. Available at [en-gb.thebigword.com/news/thebigword-to-provide-telephone-interpreting-services-in-northern-ireland/](http://en-gb.thebigword.com/news/thebigword-to-provide-telephone-interpreting-services-in-northern-ireland/)

232 Registered Intermediaries: assisting vulnerable witnesses and defendants with communication difficulties in the criminal justice system. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/intermediaries-leaflet.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/intermediaries-leaflet.pdf)

233 Northern Ireland Registered Intermediaries Schemes Pilot Project - Phase II Review (2016), App C: Statistics, pp18-21. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/registered-intermediaries-phase-2.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/registered-intermediaries-phase-2.pdf)

234 Northern Ireland Registered Intermediaries Schemes Pilot Project - Phase II Review (2016). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/registered-intermediaries-phase-2.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/registered-intermediaries-phase-2.pdf)

235 NI Victim Charter: Standard 1.2 (2015), p18, footnote 23. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf)

236 Data provided by the DoJ.

**Feedback - the litmus test**

6.30 The NIVAWS sought to monitor progress on service delivery based on around 1000 victims and witnesses involved in criminal cases.<sup>237</sup> Survey based research had a crucial role to play in providing evidence on outcomes but this needed to be supported by other dependable sources that were regular and consistent.

6.31 **Service providers and key stakeholders were an essential source of obtaining feedback, and developing existing and future innovative approaches. That contribution must not be overlooked by the CJAs when developing innovative approaches.** The CJS must take a 'whole system' approach and maximise opportunities for feedback through existing and new relationships. Inspectors examined some good partnership, service provider and agency approaches:

**Example 1** - The Court Observation Group project involving VSNI and supported by the NICTS commenced in October 2018. It had observed key interactions and perceptions and would report key findings once it had observed 30 full trials (to conclude in 2020).

**Example 2** - The PSNI's Victim of Crime Text Survey<sup>238</sup> sought to make direct contact with 20,000 victims each year. Results were used by the NIPB in monitoring performance and delivery of a key strategic outcome, Overarching Theme 1: Communication and Engagement.<sup>239</sup> This was an area of ongoing development by the PSNI and Inspectors believed that it also offered opportunities for feedback and signposting to the Charters.

**VICTIM INFORMATION UNIT**

**History and background (diagram 1 – KSI 5/interface 'm')**

6.32 The Victim Information Unit (VIU/the Unit) was established in 2012 following a recommendation by CJI in 2011.<sup>240</sup> The Unit was now well established and had centralised three post-conviction victim information schemes<sup>241</sup> under the management of the PBNI supported by the DoJ and the NIPS.

237 NIVAWS: *Victim and Witness Research: Survey Based Research*. DoJ webpage available at [www.justice-ni.gov.uk/topics/statistics-and-research/victim-and-witness-research](http://www.justice-ni.gov.uk/topics/statistics-and-research/victim-and-witness-research)

238 PSNI *Crime text survey - Period Dec15-Feb17*, (2017). PSNI webpage available at [www.psni.police.uk/inside-psni/our-policies-and-procedures/equality-diversity-and-good-relations/equality-monitoring/surveys/](http://www.psni.police.uk/inside-psni/our-policies-and-procedures/equality-diversity-and-good-relations/equality-monitoring/surveys/)

239 PSNI *Annual Policing Plan 2019/20, Strategic Outcome 1.1, p5, footnote 1*, (2019). NIPB web document available at [www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf](http://www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf)

240 *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland*, (2011), p 65 para 5.65. CJI available at [www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx](http://www.cjini.org/getattachment/c3a0fb11-e230-4d73-97e9-002c200e277a/picture.aspx)

241 *Three Victim Information Schemes - VIU Memorandum of Understanding* (2012) p2, para7. PBNI web document available at [www.pbni.org.uk/wp-content/uploads/2015/02/MOU-Colocated-VIS-with-signatures-120413.pdf](http://www.pbni.org.uk/wp-content/uploads/2015/02/MOU-Colocated-VIS-with-signatures-120413.pdf)

- 6.33 Greater victim focus was being delivered through a cohesive and SPOC approach that had relocated from the centre of Belfast to Lisburn. Inspectors learned that there were no present plans to amalgamate the three schemes as this would require a change to existing legislation as well as the bringing forward of new legislation.
- 6.34 The core VIU team of four staff was managed by a team area manager from the PBNI. The effectiveness of the team depended on an effective partnership between the PBNI, the NIPS and the DoJ and co-operation had been formalised and established by a Memorandum of Understanding (MoU) in 2012.<sup>242</sup> Initial governance arrangements included quarterly partnership meetings to support effective implementation and these had continued. Inspectors had learned that the MoU was currently undergoing review by the PBNI to ensure it remained fit for purpose.
- 6.35 The review had not been finalised at the time of the inspection. The Worboys case in E&W was a constant reminder of a need to improve support for victims and how the CJS communicated with them.<sup>243</sup> The then Victims' Commissioner for E&W had commented, *'In the same way that we support prisoners in making the adjustment to the outside world, I believe we also have a duty to support victims into the next stage of their criminal justice journey.'*<sup>244</sup>
- 6.36 **The current MoU (2013) was under review at the time of the inspection. Arrangements for co-operation should continue to reflect and further develop victim focus through a cohesive and SPOC approach managed and supervised by the PBNI. The MoU played a key role and Inspectors considered the regularity of review to be an area for improvement.**
- 6.37 The team consisted of staff from the PBNI and the NIPS. Inspectors met with the entire team and the team manager. The team was constantly reviewing practice and seeking to increase efficiency and effectiveness within the existing resources. Training for the team was mindful to the needs of victims and staff.
- 6.38 Inspectors noted there were no current plans to expand existing entitlement criteria. This would require a review of the current resource provision and indeed legislative change. There was a strong sense of co-operation and partnership but the size of the team created a number of ongoing challenges.

242 *Memorandum of Understanding* (2013). PBNI web document available at [www.pbni.org.uk/wp-content/uploads/2015/02/MOU-Colocated-VIS-with-signatures-120413.pdf](http://www.pbni.org.uk/wp-content/uploads/2015/02/MOU-Colocated-VIS-with-signatures-120413.pdf)

243 *'Crime victims get power to challenge prisoners' release'*. The Guardian news webpage available at [www.theguardian.com/society/2019/feb/03/john-worboys-crime-victims-get-power-to-challenge-parole-board](http://www.theguardian.com/society/2019/feb/03/john-worboys-crime-victims-get-power-to-challenge-parole-board)

244 *Victims' Commissioner Speech marking 50 years of The Parole Board* (2017), p11. Butler Trust web document available at [www.butlertrust.org.uk/wp-content/uploads/2017/09/Baroness-Newlove-speech.pdf](http://www.butlertrust.org.uk/wp-content/uploads/2017/09/Baroness-Newlove-speech.pdf)



6.39 **IT systems had no sharing protocols enabling effective overall personal user access such as those in place between the PSNI and the PPS for VWCU services. Inspectors considered this to be an area for improvement.** Proactive activity to increase registrations was limited by resource hours and staff numbers to issue additional letters and follow up phone calls to initial letters.

6.40 Inspectors learned that 64% of registrations to the probation scheme related to murder, sexual assault and domestic violence.<sup>245</sup> Raising awareness of the services included meetings and presentations with and delivered to key stakeholders, for example Nexus, Women's Aid, domestic violence partnerships and police etc. Staff were proactive in and fully understood the importance of raising awareness.

**Figure 2: Three year overview showing victim registrations\* with the VIU**

	2016-17			2017-18			2018-19		
	PRVIS	VIS	MDOS	PRVIS	VIS	MDOS	PRVIS	VIS	MDOS
	303	248	10	257	291	12	293	348	15
<b>Total</b>	<b>561</b>			<b>560</b>			<b>656</b>		

PRVIS: Prisoner Release Victim Information Scheme.

VIS: Victim Information Scheme.

MDOS: Mentally Disordered Offenders Scheme.

\* Figures include all existing registrations at the start of the measured 12 month period and all new registrations within the same period.

6.41 The VIU information was currently provided to the victim when a crime was reported (see Information for Victim of Crime leaflet discussed in Chapter 3).<sup>246</sup> The date for release of convicted perpetrators was often many years after the crime, because of delay in the CJS process plus lengthy sentences associated to crimes such murder, sexual assault and other offences.

6.42 **Staff did not feel that the current practice utilising the Victim of Crime leaflet provided meaningful information to support victims at such an early stage of their journey in respect of the services provided by the VIU. Inspectors considered this to be an area for improvement and should form part of the PSNI review on the provision of information (see Operational Recommendation 3).**

**Opt in and opt out approaches (diagram 1 – KSI 5/interface 'm')**

6.43 A recent CJI report<sup>247</sup> contained findings that specifically commented on the PRVIS, one of three schemes managed and delivered by the VIU, to which victims currently had entitlement in law and respected the rights of the victim to make a personal choice. The inspection reported that, 'the statutory agencies and VSNI strongly advocated an 'Opt Out' scheme and sighted the following reasons:

245 Data provided by the PBNI for the period April 2018 to March 2019.

246 *Information for Victims of Crime*, pp4/5. DoJ website leaflet available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/information-for-victims-of-crime.PDF](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/information-for-victims-of-crime.PDF)

247 *Northern Ireland Prison Service: Pre-Release Testing Arrangements* (2019), pp33-35. CJI report available at [www.cjini.org/getattachment/7355d9f1-a173-4476-b97e-c63d0c6fe2a3/report.aspx](http://www.cjini.org/getattachment/7355d9f1-a173-4476-b97e-c63d0c6fe2a3/report.aspx)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 6.44 it would ensure all victims would be registered and could therefore be notified in their own best interests at each relevant stage of the prisoner's journey;
- victims could still decide to opt out if they were fully aware of their options;
  - contact details could be kept up to date;
  - it would be less cumbersome for victims and involve less bureaucracy; and
  - it would lead to a more victim-led criminal justice system, with victims having a better understanding of the criminal justice system and sentencing process.
- 6.45 Current approaches in relation to post-conviction information in E&W<sup>248</sup> and in Scotland<sup>249</sup> were similar to NI and all registrations were by processes supporting 'opt-in'. Earlier findings in this report highlighted sensitivities about labelling victims. Inspectors learned that those who identified as survivors made individual choices and took control of their personal situation and circumstances. There had also been feedback during this inspection criticising unwanted communications from the CJS and from partners providing services. Inspectors were unable to indicate what impact, if any, would be suffered by victims based on an approach that imposes registration, denies initial choice nor listens to the voice of that individual victim.
- 6.46 The voice of the victim within the CJS had grown in recent years throughout the victims' journey at pre-trial, trial and post-trial stages. The principles of listening and to thoughtfully assessing the needs of victims was now an accepted approach. It was difficult for Inspectors to reconcile practices that built on inclusion and listening to the voice of the victim with an 'opt out' approach or why at the latter stage in the victims' journey such a change was appropriate.
- 6.47 Inspectors fully recognised the need to increase registrations for those who wanted to be provided with information (the EU Directive was very clear on that point) but this did not align with an approach to purely increase the numbers of victims and survivors who are registered on the relevant schemes.
- 6.48 An outcome based purely on increased registrations and that failed to recognise individual needs of the victim cannot be an acceptable outcome in the absence of credible, ongoing and holistic victim impact assessment, how would the CJS know what impact there had been in terms of further hurt and damage caused by its actions? Based on feedback and in the absence of supporting research and robust empirical evidence, this inspection was unable to support a move to an 'opt out' approach.

248 *After a trial: Joining the Victim Contact Scheme*. MoJ webpage available at [www.victimandwitnessinformation.org.uk/what-happens-after-crime/after-trial/](http://www.victimandwitnessinformation.org.uk/what-happens-after-crime/after-trial/)

249 *After the verdict: victims and witnesses*. Scotland government webpage [www.mygov.scot/after-the-verdict/victim-notification-schemes/](http://www.mygov.scot/after-the-verdict/victim-notification-schemes/)

- 6.49 Leading criminal justice academic Daniel Van Ness, suggested it was perhaps about how to manage the parties interests effectively, so that as many conflicting interests as possible could be recognised by the CJS.<sup>250</sup>
- 6.50 **Inspectors believed that an overarching CJS strategic communications solution created significant opportunities for better engagement and information sharing** (see Strategic Recommendation 1 in relation to the Charters). Online individual efforts provided currently by the PSNI (reporting crime),<sup>251</sup> VWCU (portal to access information) and the PBNI (VIU online registration facility)<sup>252</sup> were not attracting sufficient users and this subsequently impacted on better support for victims.
- 6.51 As stated earlier in this report, in 2012 the then Justice Committee was briefed by the PPS and the PSNI prior to the introduction of the new VWCU. The concept promoted a SPOC approach, *“from receipt of a police investigation file right through to the conclusion of any appeal and, in fact, up to and including the release of any prisoner who may be in custody”*.<sup>253</sup> This approach could widen VWCU services provided and further develop a SPOC approach.
- 6.52 No merge had occurred nor were there plans by the CJAs to merge. While CJI fully endorsed the current VWCU SPOC approach, the CJS must identify and pursue service improvement opportunities that deliver SPOC outcomes. The VWCU and VIU provide very different services at very different stages of the victims’ journey but there was an interdependency based on the provision of victim details by the VWCU to the VIU.
- 6.53 The current VIU MoU comments, *‘It is hoped that the current development of a WCU will enable more direct access to victims.’* Inspectors confirmed that this process was now well embedded and occurred on a weekly basis. A move to centralise both services could create opportunities for efficiencies but may not improve service delivery and could potentially impact negatively on real outcomes for victims, including one-to-one contact and access to dedicated and experienced VIU staff.
- 6.54 The need for easy access and for accurate and timely information was acknowledged across the CJS system. This was reiterated and reinforced constantly during this inspection by victims and those delivering services. A *“main problem”* repeated by service users, CJAs and service providers was not only lack of service provision but often related to confusion and distinction between services now provided. This is also discussed in detail in Chapters 4 and 5.

250 *A reply to Andrew Ashworth, Daniel Van Ness [1993]*, 4 Criminal Law Forum 301, 304 as cited by Sarah Moynihan, ‘The Voiceless Victim’ – Queens University, IALS Student Law Review, Vol. 3, Issue 1 (2015), p32

251 *Online crime report form (platform for non-emergency incidents)*. PSNI webpage available at [www.psnipolice.uk/makeareport/](http://www.psnipolice.uk/makeareport/)

252 *Victim Information Scheme – Online Registration Form*. PBNI webpage available at [www.pbni.org.uk/what-we-do/victim-information-scheme/victim-information-scheme-online-registration-form/](http://www.pbni.org.uk/what-we-do/victim-information-scheme/victim-information-scheme-online-registration-form/)

253 *Witness Care Unit Project Briefing by the PSNI and the PPS (2012)*, p3. Northern Ireland Assembly Official Report (Hansard) web document available at [www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927\\_witnesscareunitpublicprosecutionservice.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927_witnesscareunitpublicprosecutionservice.pdf)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- 6.55 Inspectors heard examples where the VIU received phone calls from victims at the start of their journey. In one example a victim had only just reported the crime and made a statement to the police. They had then contacted VIU seeking information about their case a few days later. This was one of a number examples across this inspection that identified and supported an emerging picture for better clarity and joined up communications across the CJS.
- 6.56 Implementation of Operational Recommendation 2 in the CJI Pre-Release Testing Report related to PRVIS,<sup>254</sup> *'The NIPS should work with the PBNi and VSNI to develop a plan that actively promotes the PRVIS in order to maximise uptake'* should be considered alongside the findings and observations contained in this report and as if applying to all three schemes. This will ensure that progress already made by the VIU continues and a SPOC approach for all victims is provided regardless of what scheme applies to them.

### OPERATIONAL RECOMMENDATION 12

The Probation Board for Northern Ireland working in partnership with the Department of Justice and the Northern Ireland Prison Service and in consultation with Victim Support Northern Ireland, should seek agreement and manage the effective delivery of promotional plans by the Victim Information Unit and increase enrolment across all schemes within six months of the publication of this report.

254 *An Inspection of Pre-Release Testing Arrangements within the Northern Ireland Prison Service* (2019). CJI report available at [www.cjini.org/getattachment/7355d9f1-a173-4476-b97e-c63d0c6fe2a3/report.aspx](http://www.cjini.org/getattachment/7355d9f1-a173-4476-b97e-c63d0c6fe2a3/report.aspx)



# APPENDIX 1: TERMS OF REFERENCE

## THE CARE AND TREATMENT OF VICTIMS AND WITNESSES BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

### Introduction

Crime affects different people in different ways. Victims and witnesses need to feel safe and supported in order to come forward and give evidence. For many this is a huge first step and having done so, the Criminal Justice System (CJS) has a responsibility to maintain that confidence and to provide continuing support and engagement. Once embarked on this journey, victims and witnesses expect and need a straightforward and coordinated service from the criminal justice agencies.

This thematic inspection is part of the Criminal Justice Inspection Northern Ireland (CJI) 2017-18 inspection programme. Current government approach has been delivered through a five year Victims and Witnesses Strategy. CJI understands that continued delivery of this strategy will be maintained through renewed and ongoing Victims and Witnesses strategic action plans. The current strategic action plan will expire at the end of 2018 and a new three year plan is currently awaiting publication.

There have been a number of cross-cutting thematic inspections and follow-up inspections by CJI on this specific subject. The first report was published in 2005 and a second followed in 2011. Both reports made numerous recommendations for improvements that contributed to ongoing efforts by the CJS to develop a more joined-up strategic model. It is a model that now fully recognises and integrates provisions in respect of 'Special Measures'.<sup>255</sup>

There have been significant changes to the landscape since the first CJI inspection in 2005 and while recent victim and witness surveys clearly indicated broad progress, they were unable to provide a complete picture. At a recent Policing Board seminar the Assistant Chief Constable acknowledged positive findings on victims services but added that community feedback indicated that the survey results do, *"not necessarily translate (as well as we would have it translate) for communities on the ground experiencing the justice system today"*.<sup>256</sup>

255 NI Victim Charter: Assessment of your needs (2015), p22, par 40 (and NI Witness Charter 2017, p15, para 42). DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf)

256 'Policing Matters' Seminar (2018), ffwd 45 mins. Northern Ireland Policing Board YouTube weblink available at [www.youtube.com/watch?v=c3eC\\_9eqzqA](https://www.youtube.com/watch?v=c3eC_9eqzqA)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

The inspection methodology<sup>257</sup> is focused on the current model of strategic and operational delivery. It will compliment and build upon work already undertaken in inspections recently published on 'The Starmer Review' (October 2017) and 'Hate Crime' (December 2017) and on ongoing inspections into 'Domestic Abuse and Violence' and 'Sexual Abuse and Violence'. A separate thematic inspection is also proposed on 'Avoidable Delay'.

### Context

Significant developments influencing current strategic approach and operational delivery:

**Victim and Witness Care Unit (VWCU the Unit)** - The 2011 CJJ inspection highlighted that, victims were particularly focused on a 'joined-up' service (single point of contact) between the agencies that would give them clarity and continuity of treatment'. Roll-out of the VWCU commenced through a project pilot in Belfast in 2012. The project created a single cohesive unit between the PPS and the PSNI to, "provide a single informed point of contact for victims and witnesses, from receipt of a police investigation file right through to the conclusion of any appeal and, in fact, up to and including the release of any prisoner who may be in custody".<sup>258</sup> Strategic ownership of the Unit sits within Corporate Services at the PPS and operates teams from Belfast and Foyle offices. Roll-out of the project completed in May 2014. The recent NIVAWS has only started to collate data on the VWCU and so 'comparative data for previous years is therefore not available'.<sup>259</sup> However, the Assistant Chief Constable has recently indicated that statistics provided by the VWCU, "point to an 87% satisfaction rate".<sup>260</sup>

**EU Directive 2012/29/EU 25 October 2012 of the European Parliament and of the Council** - This directive established minimum standards on the rights, support and protection of victims of crime. This included the establishment of separate Victim and Witness Charters.

**The Charters** - In January 2015, a Northern Ireland 'Victim Charter' was launched by the Department of Justice (DoJ). The Charter was established by virtue of the Justice Act (Northern Ireland) 2015. A 'Witness Charter'<sup>261</sup> was later published in January 2017. Both Charters are intended to make the journey through the CJS easier, simpler and joined up by clearly setting out the services that are available, who provides these services and the key stages in the process that victims and witnesses can expect to receive information on

257 *The Chief Inspector may not carry out inspections or reviews of individual cases.* **Justice (NI) Act 2002 S47(6).** **Legislation.gov.uk webpage available at [www.legislation.gov.uk/ukpga/2002/26/section/47](http://www.legislation.gov.uk/ukpga/2002/26/section/47)**

258 *Witness Care Unit Project Briefing by the PSNI and the PPS (2012), p3.* Northern Ireland Assembly Official Report (Hansard) available at [www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927\\_witnesscareunitpublicprosecutionservice.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2012-2013/120927_witnesscareunitpublicprosecutionservice.pdf)

259 *NIVAWS: Research and Statistical Bulletin 31/2017 - Victim and Witness Experience of the Northern Ireland Criminal Justice System (2017), p8, footnote 2.* DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf)

260 *'Policing Matters' Seminar (2018), ffwrd to 52 mins.* Northern Ireland Policing Board YouTube weblink available at [www.youtube.com/watch?v=c3eC\\_9eqzqA](http://www.youtube.com/watch?v=c3eC_9eqzqA)

261 *NI Witness Charter (2017).* DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/justice/witness-Charter.PDF](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/witness-Charter.PDF)

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

their case (including when and from whom). The Charters are also required to make clear who to contact should the service provided not be as expected or entitlements set out under the Charters are not provided.

Justice Act (Northern Ireland) 2015 - In addition to the two Charters, the Act created legislative provisions bringing focus to and aimed specifically at improving the experience of victims and witnesses. It set out the services to be provided and the standard of service that victims and witnesses should expect to receive. Other key aspects of the Act enabled the following provisions:

- Personal statements and Supplementary statements by victims.
- Sharing Information<sup>262</sup> so that certain relevant details about victims of crime held by the PSNI and the PPS 'may' be disclosed by them to certain CJS service providers. The intention was that victims would receive advice about relevant support services and information schemes when it was most needed.<sup>263</sup>

### Aims of the inspection

With a view to securing improvement, the broad aims of the inspection are to:

- examine and assess the current strategic/policy approach to dealing with victims and witnesses including the implementation of legislative provisions and introduction of new Charters;
- examine and assess the effectiveness of operational delivery to engage, support and to meet the needs of victims and witnesses;
- examine and assess the effectiveness and delivery of the Victim and Witness Care Unit to engage, support and to meet the needs of victims and witnesses; and
- examine and assess what impact the current approach has had on victims and witnesses.

Other matters of contextual significance as they arise during inspection will also be considered.

### Methodology

The inspection will be based on the CJI Inspection Framework for each inspection that it conducts. The three main elements of the inspection framework are Strategy and governance, Delivery and Outcomes.

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. CJI inspection methodology can be found at [www.cjini.org](http://www.cjini.org).

262 *Justice Act (Northern Ireland) 2015, Section 36 and Schedule 3. NI government web document available at [www.legislation.gov.uk/nia/2015/9/part/4](http://www.legislation.gov.uk/nia/2015/9/part/4)*

263 *Justice Act (Northern Ireland) 2015, Statute note 21. NI government web document available at [www.legislation.gov.uk/nia/2015/9/part/4](http://www.legislation.gov.uk/nia/2015/9/part/4)*

## Design and planning

Collection and review of relevant documentation such as previous inspection and other reports, and any other relevant criminal justice agency policies, procedures, management information, minutes of meetings and related documentation.

## Delivery

- The following Criminal Justice Agencies (CJAs) have been identified for the purpose of this inspection. These will include, but are not limited to:
  - the Police Service of Northern Ireland (PSNI);
  - the Public Prosecution Service for Northern Ireland (PPS);
  - the Northern Ireland Courts and Tribunals Service (NICTS);
  - the Probation Board for Northern Ireland (PBNI);
  - the Youth Justice Agency (YJA); and
  - the Northern Ireland Prison Service (NIPS).
- Terms of Reference will be prepared and shared with the identified agencies prior to the initiation of the inspection. Liaison officers from each agency should be nominated for the purposes of the inspection.
- The PSNI, the PPS and the NICTS as the primary agencies will be given the opportunity to complete a self-assessment as to how they deal with victims and witnesses and will be asked to provide any relevant policies, procedures and management information.
- Interviews and focus groups will be conducted with relevant stakeholders to give an insight into the issues affecting the inspection. Subsequent interviews and focus groups will then take place within the identified agencies.
- Progress in the development and use of management information and performance management data will be examined.
- Evidence of planning and decision-making leading to performance improvement and recognition of future developments will be gathered.
- Where appropriate, benchmarking and identification of best practice within and outside Northern Ireland will form part of the fieldwork.

## Publication and closure

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

The final report is scheduled to be completed by early 2019. It will then be sent to the Minister of Justice for permission to publish. When permission is received the report will be finalised for publication. Any CJI press release will be shared with the inspected CJAs prior to publication and release. A suitable publication date will be agreed and the report issued.



# APPENDIX 2: METHODOLOGY

## Self-assessment

The CJI 'Operational Guidelines' for Inspection<sup>264</sup> made provision for Inspectors to request a self-assessment from the inspected agency or in the case of a thematic inspection, from any number of agencies to be inspected. This provided agencies with the opportunity to identify current areas of activity and delivery. The assessments were received prior to Inspectors carrying out fieldwork within the agencies. Inspectors sought and consequently obtained self-assessments from the NICTS, PPS, PBNI, PSNI and YJA.

Given the breadth of the entire victim landscape it simply was not possible to provide meaningful inspection focus across each individual area of activity or delivery or indeed to do them justice. It sought instead to focus on specific CJ responses already in place that were intended to deliver help and support to all victims of which the VWCU was perhaps the most obvious example.

Feedback allowed the inspection to focus in on a number of specific aspects of service with particular attention to a number of key stage interfaces through which victims directly engaged with CJ services and with those working within the CJAs. This approach understandably brought greater attention to the PSNI and the PPS given their forward positioning in the victims' journey.<sup>265</sup>

Benchmarking that was carried out at Leeds/Bradford Witness Care Unit (WCU) entailed extensive interviews with the WCU Manager, one-to-one interviews with numerous staff in all roles and group interviews including an open session with the entire team. Day two was predominately taken up with interviews and observations within the live WCU environment. This fully included the VSNI member of staff working alongside and in support of the Unit.

## Operation guidelines

In keeping with CJIs Operation Guidelines Inspectors reviewed a wide range of relevant documentation ranging from strategy to every day operational delivery of services by the VWCU.<sup>266</sup> The approach to fieldwork within the PPS consisted of multiple individual and focus group interviews **across every role** within the VWCU team and again this included staff from VSNI.

264 CJI Operational Guidelines for Inspection (2018), p6. CJI web document available at [www.cjini.org/getdoc/15070948-fab1-4b38-b7e9-81ce636f7327/OPERATIONAL-GUIDELINES-FOR-INSPECTION-v1-7.aspx](http://www.cjini.org/getdoc/15070948-fab1-4b38-b7e9-81ce636f7327/OPERATIONAL-GUIDELINES-FOR-INSPECTION-v1-7.aspx)

265 A Five Year Strategy - Making a difference to victims and witnesses of crime Improving access to justice, services and support (2013), Par 44. DoJ web document available at [www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/doj/making-a-difference-to-victims-and-witnesses-of-crime-strategy.pdf) -

266 CJI Operational Guidelines for Inspection (2018). CJI web document available at [www.cjini.org/getdoc/15070948-fab1-4b38-b7e9-81ce636f7327/OPERATIONAL-GUIDELINES-FOR-INSPECTION-v1-7.aspx](http://www.cjini.org/getdoc/15070948-fab1-4b38-b7e9-81ce636f7327/OPERATIONAL-GUIDELINES-FOR-INSPECTION-v1-7.aspx)

**VICTIMS AND WITNESSES**

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
**JULY 2020**

In addition to this, Inspectors spent time with staff as they worked within their live environment. This enabled Inspectors to examine and monitor real time activities as they occurred, for example, interactions by phone, completion of documents, use of systems and administrative tasks etc. Inspectors also used this opportunity to examine the caseload of COs and line managers and to have this explained in detail by them. Clarity on issues was sought at the time with staff and supervisors while at their workstations or privately when appropriate. As the VWCU was split across two locations based in Belfast and Derry/L'Derry, Inspectors replicated the same approach at both locations.

LIST OF ABBREVIATIONS
REPORT TERMINOLOGY
CHIEF INSPECTOR'S FOREWORD
EXECUTIVE SUMMARY
RECOMMENDATIONS
CHAPTER 1
CHAPTER 2
CHAPTER 3
CHAPTER 4
CHAPTER 5
CHAPTER 6
APPENDICES

# APPENDIX 3: VICTIM AND WITNESS CARE UNIT PROJECT OVERVIEW/ROLE

2010	<ul style="list-style-type: none"> <li>DoJ and PPS research conducted to evaluate the Witness Care Unit (WCU) model operating in England and Wales with a view enhancing existing service provision in NI.</li> </ul>
2011	<ul style="list-style-type: none"> <li>Exploratory visit by DoJ/PPS/PSNI/VSNI to WCU for West Yorkshire Police.</li> <li>CJI report recommends that the VWSG should oversee the establishment of WCUs in Northern Ireland. To be led by the PPS utilising the existing Community Liaison Teams within PPS as the core basis for delivery.</li> </ul>
2012	<ul style="list-style-type: none"> <li>Justice Minister announces Witness Care Unit pilot.</li> <li>CJ Committee report a Magistrates' Court pilot to go-live on 1 November.</li> <li>Evaluation of the initial Magistrates' Court pilot scheduled.</li> </ul>
2013	<ul style="list-style-type: none"> <li>Pilot go-live for Crown Court.</li> <li>Evaluation of Crown Court pilot scheduled.</li> </ul>
2014	<ul style="list-style-type: none"> <li>Full implementation across two sites in PPS Belfast and Foyle Offices.</li> </ul>

### Role of the Witness Care Officer

Witness Care Officer (WCO)<sup>267</sup> - is the central point of contact in a WCU for a victim/witness, from the time an offender is charged to the end of the court case. Arrangements for managing contact should be clarified and agreed by the WCO with the officer in the case on a case-by-case basis. The WCO:

- informs a victim/witness of trial dates;
- monitors dates that they cannot attend court; and
- carries out a detailed needs assessment to identify the support needed to enable witnesses to attend court and to give their best evidence. This includes any requirement for special measures for vulnerable and intimidated witnesses.

<sup>267</sup> *Prosecution and Case Management: Victim and witness care.* CoP webpage available at [www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units](http://www.app.college.police.uk/app-content/prosecution-and-case-management/victim-and-witness-care/#witness-care-units)

## Detailed outline of services provided by the VWCU

1. The following services will be provided to a victim, dependent on the nature, complexity and duration of the case:
  - notify you when a charge file or the full investigation file has been submitted to the PPS;
  - inform you if a defendant is granted bail or their bail conditions are significantly changed;
  - notify you when a decision is taken by a prosecutor in your case;
  - provide information about making a Victim Personal Statement;
  - inform about relevant court hearings including those you are not required to attend;
  - provide updates at key stages of your case;
  - provide details of any court outcome and sentence, as appropriate;
  - notify if the defendant appeals against their conviction or sentence, and tell you the outcome of any appeals;
  - arrange travel and accommodation on behalf of victim and witnesses to save them from recurring the costs and having to reclaim them;
  - provide information on how a detailed no prosecution decision letter can be requested, how to make a request for a review of the decision and how to make a request for a meeting;
  - arrange for an interpreter and/or provide free translation at key stages;
  - the CO will consider the needs and entitlements of children or young people under 18 years and conduct INA with parent or guardian; and
  - referral to VSNI.
2. A bereaved relative or the next of kin of a person who has died and who was involved in the case, will be kept updated on the progress of the case. The CO will communicate directly with that individual or if preferred through the Family Liaison Officer.
3. In terms of services to witnesses, the following services will be provided, again dependent on the nature, complexity and duration of the case as well as the status of the witness:
  - inform if he/she will be required to give evidence;
  - notify of the location, dates and times of relevant court hearings;
  - provide information on the facilities available at all court locations;
  - provide information about claiming for expenses he/she may incur in attending court;
  - provide the information you need to he/she prepare for attending court to give evidence;
  - conduct and review a Needs Assessment as the case progresses, to help provide him/her with the specific support and guidance he/she needs;
  - provide information about Special Measures which can be granted;

## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

- make a direct referral to the VWCU VSNI officer or to the NSPCC Young Witness Service via VSNI, with appropriate consent;
- arrange for an interpreter to be present at court, if English is not his/her first language;
- arrange travel and accommodation on behalf of victim and witnesses to save them from incurring the costs and having to reclaim them; and
- additional support for vulnerable or intimidated witnesses will be agreed and documented by CO.

### Additional assistance

4. VWCU works closely with VSNI. VSNI representatives are based within the VWCU and can provide immediate advice and emotional support by telephone. They can also make a referral to a VSNI Community Office for further help such as counselling or assistance with making a compensation claim. VWCU also works with the NSPCC Young Witness Service who provide support to young victims and witnesses.

# APPENDIX 4: EMOTIONAL INTELLIGENCE

## Understanding the Five Categories of Emotional Intelligence<sup>268</sup>

- Self-awareness** - The ability to recognize an emotion as it “happens” is the key to your EQ. Developing self-awareness requires tuning in to your true feelings. If you evaluate your emotions, you can manage them. The major elements of self-awareness are:
  - Emotional awareness. Your ability to recognize your own emotions and their effects.
  - Self-confidence. Sureness about your self-worth and capabilities.
- Self-regulation** - You often have little control over when you experience emotions. You can, however, have some say in how long an emotion will last by using a number of techniques to alleviate negative emotions such as anger, anxiety or depression. A few of these techniques include recasting a situation in a more positive light, taking a long walk and meditation or prayer. Self-regulation involves:
  - self-control. Managing disruptive impulses;
  - trustworthiness. Maintaining standards of honesty and integrity;
  - conscientiousness. Taking responsibility for your own performance;
  - adaptability. Handling change with flexibility; and
  - innovation. Being open to new ideas.
- Motivation** - To motivate yourself for any achievement requires clear goals and a positive attitude. Although you may have a predisposition to either a positive or a negative attitude, you can with effort and practice learn to think more positively. If you catch negative thoughts as they occur, you can reframe them in more positive terms – which will help you achieve your goals. Motivation is made up of:
  - achievement drive. Your constant striving to improve or to meet a standard of excellence;
  - commitment. Aligning with the goals of the group or organization.
  - Initiative. Readying yourself to act on opportunities; and
  - optimism. Pursuing goals persistently despite obstacles and setbacks.

268 What is Emotional Intelligence? PsychCentral webpage available at [psychcentral.com/lib/what-is-emotional-intelligence-eq/](https://psychcentral.com/lib/what-is-emotional-intelligence-eq/)

4) **Empathy** - The ability to recognise how people feel is important to success in your life and career. The more skilful you are at discerning the feelings behind others' signals the better you can control the signals you send them. An empathetic person excels at:

- service orientation. Anticipating, recognizing and meeting clients' needs;
- developing others. Sensing what others need to progress and bolstering their abilities;
- leveraging diversity. Cultivating opportunities through diverse people;
- political awareness. Reading a group's emotional currents and power relationships; and
- understanding others. Discerning the feelings behind the needs and wants of others.

5) **Social skills** - The development of good interpersonal skills is tantamount to success in your life and career. In today's always-connected world, everyone has immediate access to technical knowledge. Thus, "people skills" are even more important now because you must possess a high EQ to better understand, empathize and negotiate with others in a global economy. Among the most useful skills are:

- influence. Wielding effective persuasion tactics;
- communication. Sending clear messages;
- leadership. Inspiring and guiding groups and people;
- change catalyst. Initiating or managing change;
- conflict management. Understanding, negotiating and resolving disagreements;
- building bonds. Nurturing instrumental relationships;
- collaboration and cooperation. Working with others toward shared goals; and
- team capabilities. Creating group synergy in pursuing collective goals.

# **APPENDIX 5:** A DAY IN THE LIFE OF A YOUNG WITNESS SERVICE VOLUNTEER WITH THE NSPCC

Our role is one of 'support', a word that covers a range of tasks focused on helping the Young Witness (YW) to be as relaxed as possible and to give their best possible evidence. It was once said to a volunteer- not by anyone from the NSPCC I hasten to add, that the volunteers were to make the tea. Well our training paid very little attention to tea-making but was very extensive in other matters! For a YW the wait for court may have been a lengthy and fearful wait. Many of the children and young people have already had traumatic experiences. Lives have been sliced open, ripped apart. Now these bad experiences are to surface again - high, strong, and loud and all in a strange and frightening environment. Our role is to give the best support we can and deliver a caring and professional service. When I stop to think about this before a case it makes me draw in a deep breath and hope that I am up to the task. On meeting a YW my aim is to create a genuine connection, one in which they feel secure and safe; a friendly yet professional connection that allows the young person to have confidence, to feel supported; and in a climate that enables them to give their best possible evidence. Some YWs appear to be calm. Others arrive visibly distressed. Some may feel sick, be pale or flushed, be lively and alert or curled up and small. Some may even appear totally indifferent. Some may have a history of self-harming. In common though these young people carry inner and hidden fears. I have heard YWs say they just want to get the day, or days, over; put it all behind them; just move on. These words sound positive but can mask their fears and vulnerability. In this situation one really important thing is to be an active listener. For me that means giving honest respectful attention. Being totally present and mindful of needs. Does the YW need space to share unvoiced fears? Do they want more or less activity or chat? Do they want to have 'alone-time' with their music and headphones? Checking in for signs, gauging needs and mood is so important. It's not a science, it's not always perfect, but we as volunteers are alert and mindful. Each YW is unique and we can try to adjust accordingly, the environment, the activities and care. Days at court can be long, intensive and wearing. Some YWs reveal their own coping strategies. One young teenager said. 'I go inside my invisible bubble, it helps keep me safe.' Another young and traumatised witness I met had used a tiny aromatherapy infused bunny to calm her through her case. Younger children may need changing activities and rest periods over a long day. I have seen a whole gamut of behaviours and moods in the course of a day and across a range of cases; from calm to distressed, alert to fatigued, through to anger and resignation. Together with the volunteer we weather their emotional storms, periods of silent withdrawal, and moments of panic. My role is to remain truly present, to respond appropriately in a caring, professional and non-judgemental way; deal with issues as best we can and calm troubled waters whenever possible. If and when time comes to give evidence the YW is now faced with their greatest fear; that of having to give their evidence. Supporters and comforts are left behind. Only the YW and myself are in the video-link



## VICTIMS AND WITNESSES

THE CARE AND TREATMENT OF VICTIMS AND WITNESSES  
BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND  
JULY 2020

room. Even though we've prepared for this event, time can hang ominously as we wait for the link to come alive. Fears may surface again. I try to restore confidence and maintain calm. I have prepared the witness for my silence. For now I must be a strong, quiet presence and remain so even when hearing harrowing evidence. During breaks the atmosphere may be precarious. 'Will it go on much longer?' I may be asked. There may or may not be tears. There may be frustrations and outbursts of anger. Together we may use breathing exercises. This highly charged time in the video-link room can be sharp, splintering and painful. When that ordeal is finally over the YW can sometimes stay with us waiting to hear a judgement. This may bring relief, or, may bring unwelcome news. Emotions can be mixed and unpredictable. Perhaps smiles or tears, sighs, anguish or relief. Finally, the case has ended. As a volunteer my role has ended. We say goodbye. I pull back from the day's demands to my daily life. I mourn the ordeals and traumas that the young witness had to face but marvel at their bravery and strength. Our reward as volunteers comes from having connected and helped. A while ago a young witness made me a paper envelope. She said it was not to be opened until the case was over. Inside she had drawn a number of tiny hearts. This small package is a reward that brightens me on cloudy days. It is truly a privilege to support these young people through this difficult time and to be part of a team with the professional and dedicated Children's Services Practitioners who do such demanding and sterling work. We do this work because we wish to help and because there is such a great need. And I am happy to make the tea!



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