



TRANSFORMING THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

A STRATEGIC OVERVIEW

NOVEMBER 2024

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November 2024

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LIST OF ABBREVIATIONS

AI	Artificial Intelligence
CJB	Criminal Justice Board
CJI	Criminal Justice Inspection Northern Ireland
CJIG	Criminal Justice Improvement Group
DoF	Department of Finance
DoJ	Department of Justice
FSNI	Forensic Science Northern Ireland
ICT	Information and Communications Technology
IT	Information Technology
LCJ	Lady Chief Justice
LCJO	Lady Chief Justice's Office
m	Million (£)
NICTS	Northern Ireland Courts and Tribunals Service
NIPB	Northern Ireland Policing Board
NIPS	Northern Ireland Prison Service
pandemic	COVID-19 pandemic
PBNI	Probation Board for Northern Ireland
PfG	Programme for Government
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
UK	United Kingdom
YJA	Youth Justice Agency

CHIEF INSPECTOR'S FOREWORD

Transforming the criminal justice system in Northern Ireland is easy to identify as a priority and aspiration but much harder to deliver.

This inspection report provides a strategic overview of the transformation journey to date, some of the lessons to be learned from that journey and, more importantly, the opportunities to invent the future.

Over the last two decades our criminal justice system has seen investment in and delivered many service and technology enabled improvements. However, it remains a complex network where the “wicked problems” persist and the outcomes are fairly static. In some ways they have become more complex with societal changes and the pace of communications and technology developments with the risk that criminals are way ahead of the criminal justice system’s ability to respond to their criminality.

But transformation is about more than technology, it’s about people. We all know that too often the very human and complex issues the criminal justice system is dealing with have origins in and passed through many other government Departments and services, and will return to them, when they leave the justice system.

This inspection found that transformation has been too readily used as a badge for too many service or system changes that included single organisations doing

solo runs because they can afford them without meaningfully collaborating on the impact on others. What delivers their efficiency can create a pressure for another organisation. Making it all the more important for a true partnership and systemic approach to transformation and future investment.

It also highlights the volume and range of transformation, change and service improvement programme and projects that were being led by a relatively small pool of leaders. That has advantages and disadvantages, we are a small jurisdiction that enables good working relationships and networks but often leaders, particularly those in smaller organisations, had a day job to do as well as represent their organisation’s strategic interests and make business decisions on commitments for system wide change.

I have made a small number of recommendations to reflect the strategic nature of this report and opportunities to build on existing structures to provide direction and agreement on criminal justice system priorities. The Criminal Justice Board is not an executive decision-making body but each member has a shared ambition and vision for a better criminal justice system.

It is vital that the leaders who are not at the table are kept well informed and engaged with the strategic direction of criminal justice system transformation.

If there was ever a time for more cohesion and shared priorities it is now. We all know and feel the impact of budget pressures so all the more reason to make sure priorities are known and shared across all the criminal justice system and beyond it.

A new Programme for Government with a commitment to reform and transform public services backed by new governance and funding and a new Department of Justice Corporate Plan next year provide opportunities to set those priorities and ensure they are resourced, communicated and reflected across the criminal justice system including in a new five-year Policing Plan and other key Corporate and Business Plans.

Transformational change needs transformational leaders who have the courage and capacity to take risks and deliver the improvements needed to our criminal justice system that the public

expects and service users deserve. It will be important to monitor if transformation projects, including changes to how lower level offending is dealt with, deliver benefits and the much needed improvements in reducing delay in cases involving the most serious offences and better outcomes for victims and witnesses.

I had to pause this inspection on more than one occasion to resource additional and unanticipated inspection and review work. Nevertheless, it was important to complete it and update it with more contemporary information that had become available since it started.

I am grateful to the Judiciary, Department of Justice officials and leaders in all the criminal justice system organisations and stakeholders who spoke to Inspectors and provided information at a number of stages.

I am also grateful to the Lead Inspector David MacAnulty, supported in the earlier inspection stages by Inspector Maureen Erne.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

November 2024



EXECUTIVE SUMMARY

Transformation for the criminal justice system means changing for improvement. Transforming the criminal justice system in Northern Ireland had proven to be challenging for a system that is difficult to navigate even for those who work within it. It involves a collection of organisations and leaders that have operational independence, different operating models, workforces, budget and governance arrangements.

There have been a huge number of strategies since justice was devolved to the Northern Ireland Executive and Assembly in 2010, however, the transfer of power meant that the Minister of Justice and their Department inherited a criminal justice system that already had historic significant areas for improvement including reducing delay, access to justice, victim and witness care and effective rehabilitation of offenders.

Change had been slow and required the strong leadership of a working Northern Ireland Executive and Assembly to give the Department of Justice and criminal justice organisations the necessary levers, including legislation, investment in technology and resources, to tackle the key areas for reform and improvement. Within this strategic landscape, some criminal justice organisations were vigilant about protecting their operational and decision-making independence while aligning and working in partnership with other organisations within and beyond the criminal justice system to deliver Programme for Government outcomes through a delivery plan and performance

indicators. The Northern Ireland Assembly's prolonged periods of absence, annual budget allocations and maintaining business continuity throughout the COVID-19 pandemic (the pandemic) added to the challenges.

Some notable key achievements included the creation of new organisations, reform of youth justice and a reduction in children in custody and in the Youth Court, the implementation of technology to support organisational services and Causeway data sharing across the five main criminal justice organisations, the use of video links for court proceedings and the Northern Ireland Prison Service culture shift to focus on people in their care and preventing reoffending.

Each of the criminal justice organisations provided details of many strategies that were considered transformational, which may be partly true to each of those organisations, however, the aim of this inspection was to review the transformation of the criminal justice system as a collection of inter-linked and inter-dependant organisations.

The development of and investment in new technology by individual organisations did not always take due cognisance of the impact on other criminal justice system organisations or demonstrate that it had been backed by evidence of decision making and rationale to proceed. While the Criminal Justice Board had agreed priorities to reduce delay through a Speeding Up Justice Team and five key projects, the Inspection Team did not find clear evidence of an agreed vision for and strategic prioritisation and control of how the entire criminal justice system would be transformed other than incrementally, through many strategies and working groups that had been established.

There is a relatively small pool of senior leaders and decision makers in the criminal justice system, which can enhance partnerships and collaboration but this also means there are competing demands for their involvement and contribution. This creates a greater need for project prioritisation and governance rationalisation to optimise their capacity and available resources.

It was therefore not unexpected that the Inspection Team found that there had been limited improvement since 2010, in how the criminal justice system was performing and the experience for victims, witnesses and defendants as well as those working in the criminal justice system. While there had been significant investments in technology and many strategies intended to deliver system transformation; cases were taking too long on an end-to-end basis with 90% of all cases completed in 769 days in 2022-23 compared to 527 days in 2018-19.

The pandemic had made a bad situation worse with case backlogs, persistent delay, a high prison population with close to 40% of detainees on remand and a failure to provide victims and witnesses of crime with the support required, prolonged uncertainty for defendants and falling community confidence. However, it demonstrated how well criminal justice organisations could work together and make swift decisions in a crisis to maintain business continuity and essential services, including those enabled by technology.

The criminal justice system needs to be ambitious about performance levels and agree what the shared vision is and truly transformative system wide priorities are. The Criminal Justice Board, with a restored Northern Ireland Assembly and a Minister of Justice in place, are uniquely placed to provide the direction and decision-making needed to agree criminal justice system-wide strategic priorities aligned to achieving better outcomes for service users and the public with available funding levels that are known and supported by each organisation along with accountability for delivery. This is the focus of the strategic recommendation in this report.

RECOMMENDATIONS

STRATEGIC RECOMMENDATION

STRATEGIC RECOMMENDATION 1

Within six months from the publication of this report, the Department of Justice should facilitate Criminal Justice Board members' agreement of a shared future vision and strategic priorities to deliver transformational change and innovation across the criminal justice system. These should be clearly communicated and reflected appropriately in organisations' Corporate and Business Plans.

paragraph 2.60

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

The Police Service of Northern Ireland Strategic Transformation Board should continue to monitor and regularly review the leadership and governance of transformational strategies and projects across all organisational areas to maximise the benefits of centralisation, avoid duplication and ensure alignment with agreed strategic priorities.

Paragraph 3.11

OPERATIONAL RECOMMENDATION 2

Within six months from the publication of this report the Department of Justice, members of the Criminal Justice Board, the Director General of the Northern Ireland Prison Service, and the Chief Executives of the Probation Board for Northern Ireland, the Youth Justice Agency and Forensic Science Northern Ireland should review the purpose and membership of existing programme and project boards, working groups and other fora with the aim of reducing duplication to release capacity. This should be aligned with the prioritisation outlined in this report's Strategic recommendation. Appropriate staff resource capacity and skills required for meaningful participation and decision-making authorities should also be considered.

Paragraph 3.26

CHAPTER 1: TRANSFORMING THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND – THE JOURNEY SO FAR

BACKGROUND

1.1 There are many definitions of transformation and what that means in the context of a criminal justice system. One definition is that transformation is a complete change in the appearance, structure or purpose of something especially so that that thing is improved. Transformation can be particularly difficult in bureaucratic organisations that are heavily directed by legislation, rules, procedures, processes and routines. Leaders of successful public sector transformational change can face cultural challenges including risk aversion and a lack of incentives for management and staff who hold on to *'how things are done around here'* attitudes and behaviours. The rewards for success can be minimal while the penalties for failure can be great. It is well known that transformation towards a better criminal justice system also requires looking at the causes of systemic issues and benefits of early intervention in health, social and economic systems including housing, education and employment.

1.2 Transformation has been interpreted and described by criminal justice system organisations in a variety of ways. Change programmes, service improvement, estate rationalisation, the implementation of legislation and technology upgrades and functionality have been referenced by individual and collective organisations. Sometimes business changes, innovating current processes and modernising services can be presented as transformational rather than the dramatic change required to be truly transformative.

The Criminal Justice System in Northern Ireland

1.3 The aims of the criminal justice system include upholding the law and keeping people safe through the prevention of crime, investigation and prosecution of offences, sentencing and rehabilitation of people convicted of criminal offences. It can be difficult to define and involves a network of inter-related organisations, people, cultures, services, processes and technology. Even though they are described as a system with significant interdependencies and links between them; in truth, many are independent in how they operate and make decisions with their own governance, oversight and budget arrangements including organisational Boards and Audit and Risk Committees, but the vast majority are entirely funded by the public.

- 1.4 The Police Service of Northern Ireland (PSNI) prevents, detects and investigates crime and submits case files to the Public Prosecution Service for Northern Ireland (PPS) to make decisions to prosecute or not prosecute people for criminal offences. Both organisations are operationally independent from each other and the Department of Justice (DoJ). The governance and oversight of the PSNI is carried out by the Northern Ireland Policing Board (NIPB). The DoJ fund the various criminal justice agencies discussed in this report except the PPS which is funded by the Department of Finance (DoF). The Director and Deputy Director of Public Prosecutions are appointed by the Attorney General for Northern Ireland who is also consulted on a number of matters relating to the PPS. These funding arrangements leave a key criminal justice organisation with a different funding route than others in the system and has been cited as a reason for not adequately funding joint initiatives such as the reform of the Victim and Witness Care Unit.
- 1.5 Forensic Science Northern Ireland (FSNI) is a DoJ agency that provides objective scientific advice and support to enhance the delivery of criminal justice.
- 1.6 The Northern Ireland Courts and Tribunals Service (NICTS) is also a DoJ agency that provides administration of justice services by supporting the independent judiciary in the criminal (and all other) Courts.
- 1.7 The Probation Board for Northern Ireland (PBNI) provides services to inform sentencing decisions and manage post-conviction community sentences, offender management after release from prison and victim information schemes.
- 1.8 The Northern Ireland Prison Service (NIPS) provides services to care for sentenced prisoners and people detained in prison on remand before their offence is dealt with. The NIPS also seeks to make our community safer by contributing to reduced levels of reoffending.
- 1.9 The Youth Justice Agency (YJA) provides a range of services to children to help them stop offending, divert them from crime and assist integration into their community. Custodial services are provided at Woodlands Juvenile Justice Centre.
- 1.10 The criminal justice system includes the independent Judiciary, defence solicitors and barristers and community sector organisations that provide services to support victims, witnesses and offenders. It also includes others outside the core criminal justice organisations and agencies such as the Legal Services Agency (that processes criminal legal aid applications and manages the funding for granted applications).
- 1.11 This inspection focussed on how effectively the DoJ, PSNI, PPS, FSNI, NICTS, PBNI, YJA and the NIPS work together to transform the criminal justice system and the outcomes achieved.

1.12 Table 1 shows some of the key events and technology enabled reforms that have shaped the criminal justice system in Northern Ireland over the last 25 years. In looking at where the criminal justice system is now and going forward; it is important to recognise the journey it has been on.

Table 1: Criminal Justice System in Northern Ireland – some key events

1998	Good Friday/Belfast Agreement
1999	Independent Commission on Policing for Northern Ireland (Patten) Report
2000	Criminal Justice Review
2001	Police Service of Northern Ireland established
2002	Causeway Data Sharing Programme launched
2003	Youth Justice Agency created
2005	Public Prosecution Service established
2006	Northern Ireland Court Service ICOS criminal module implemented
2009	Causeway Data Sharing Mechanism 1 launched
2010	Justice devolved to the Northern Ireland Assembly and the Department of Justice created
2011	The review of the Youth Justice System (Youth Justice Review)
2011	Review of the Northern Ireland Prison Service (Owers Review)
2014	Stormont House Agreement
2015	Transitioning Youth Justice Strategy
2015	Victim Charter
2018	Northern Ireland Prison Service Prisons 2020
2019	Department of Justice Speeding Up Justice Team created
2020	New Decade, New Approach Agreement
2021	Pandemic Business Continuity for the criminal justice system
2021	Draft Programme for Government consulted on
2022	Northern Ireland Courts and Tribunals Service Vision 2030 Programme established; and Police Service of Northern Ireland restructure and Horizon 2025 programme created
2023	NIPS Prisons 25 by 25 Strategy Digital Justice Review including new Causeway System integration
2024	Northern Ireland Assembly restored and new Programme for Government being consulted on

- 1.13 The Belfast Agreement, also known as the Good Friday Agreement, was reached on 10 April 1998 and established a new, devolved government for Northern Ireland. However, criminal justice powers were not transferred until April 2010. There are three separate criminal justice systems in the United Kingdom (UK); England and Wales have their own distinct criminal justice system and Scotland had its own criminal justice system prior to devolution in 1999. Counter-terrorism, firearms, extradition, misuse of drugs and legal safeguards for human rights currently remain reserved to the Westminster Government.
- 1.14 The Criminal Justice Review 2000 undertook a comprehensive examination of the criminal justice system in Northern Ireland and addressed a key range of issues including emphasising and placing human rights at the centre of the criminal justice system and the need to safeguard and entrench an independent system to foster community confidence in a post conflict society. There was a clear focus on the importance of joined-up delivery and co-operation between the criminal justice agencies and the wider community without eroding the independence and impartiality of policing and prosecutorial decision making.
- 1.15 The Independent Commission on Policing for Northern Ireland was established in 1998 and looked at some of the key strategic intentions of the Good Friday Agreement through the 1999 Patten Report. The focus was on creating an inclusive police service which was more representative of the society it served. The Police (Northern Ireland) Act 2000 established the PSNI and created the NIPB and District Policing Partnerships. The report provided a roadmap to change the culture and ethos of the police with an emphasis on community policing in a more normalised society.
- 1.16 The PPS was established in June 2005¹ and created another independent organisation as intended under the Good Friday/Belfast Agreement when it was designated as a non-ministerial government department. This meant clear separation between making decisions on criminal prosecutions without direct ministerial involvement and preserved independent decision-making while fostering public confidence in a new PPS.
- 1.17 Launched in 2002, Causeway was a joint information technology (IT) data sharing initiative led by the Northern Ireland Office and involved most of the key criminal justice organisations. The purpose of Causeway was to improve the administration of criminal justice through inter-connected information systems based on the sharing of information electronically between the police, prosecution, forensic services and Courts through each organisation's line of business IT systems. It was not an end-to-end case processing or management system. Causeway Data Sharing Mechanism 1 was implemented in 2009 and was celebrated as a pathfinder initiative to share information securely across criminal justice organisations.

1 As defined by The Justice (Northern Ireland) Act 2002

At that time, it was thought to be the only system of its kind in Europe if not the World. It has been continually updated to address legislative changes, improve management information and the PBNi on-boarding to become a full Causeway sharing partner was being progressed. Causeway system infrastructure and line of business support was repro-cured and redesigned in 2019; development of a new Causeway system to meet business needs and security requirements was undergoing procurement at the time of writing.

- 1.18 On the devolution of justice in 2010, responsibility for policy and legislation for criminal law, legal aid policy, the police, prisons and probation as well as the administration of the Courts system, was transferred to the newly created DoJ. This presented an opportunity for legislative reform and innovation to be controlled by the Northern Ireland Executive on a cross community basis and to drive the transformational change envisaged by the Good Friday Agreement and Criminal Justice Review.
- 1.19 The Review of the Northern Ireland Prison Service (known as the Owers Review)² was published in 2011 and started a journey from a service of detention and security to one with more focus on effective rehabilitation. It provided a programme of change and transformation of culture, approach and working practices to improve outcomes and reduce reoffending and develop better education and purposeful activity.
- 1.20 The Stormont House Agreement in December 2014 provided a political framework to deal with 'The Past' and move forward. However, the suspension of the Stormont Executive in 2017 stalled criminal justice transformation with projects being put on hold and a legislation backlog accumulated. Legislative reform fell behind other areas of the UK and Ireland and hindered action to improve how the criminal justice system dealt with, for example, domestic abuse, sexual violence, avoidable delay and support for victims and witnesses as well as investment in technology to support the investigation, prosecution and disposal of offences. In January 2017 the Northern Ireland Executive and Assembly collapsed for three years, leaving Permanent Secretaries in charge of Departments with limited powers and unable to create new policies, legislation and transformational programmes without a Minister's approval.
- 1.21 The New Decade, New Approach agreement in January 2020 led to the restoration of the Northern Ireland Executive with a renewed drive to improve health, education, language and tradition and policing numbers. This was an opportunity to review longer-term strategic goals and plan for meaningful transformation of the criminal justice system in Northern Ireland.

2 DoJ, *Review of the Northern Ireland Prison Service, October 2011* available at <https://www.justice-ni.gov.uk/publications/owers-review-northern-ireland-prison-service>.

- 1.22 After the Northern Ireland Executive and Assembly had been absent for three years, a new Minister of Justice set out her priorities in 2020 with a focus on domestic violence and abuse, sexual violence and abuse, victims and witnesses and tackling systemic delay. Included in an ambitious legislative programme was the creation of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 that, if implemented effectively, has the potential to transform how domestic violence and abuse is dealt with in our community, victims are supported and children are better protected.
- 1.23 The draft Programme for Government (PfG) 2021 was consulted on between January and March 2021; it anticipated *“a new focus to deliver lasting, real and positive change in people’s lives...build on the Outcomes-based approach that has defined strategic planning across the public sector since 2016.”*³ Following the lead of the previous PfG, the Northern Ireland Executive continued to pursue the key idea of collaborative working; *“Government does not work in isolation towards solving the wide ranging and long-term issues that relate to education, health, the environment, infrastructure, the economy and beyond.”*⁴ This approach aimed to stop Departments working in silos and embed real partnerships to deliver better outcomes for citizens. This was a real opportunity for endemic issues impacting on the criminal justice system like poverty, poor mental health and substance abuse to be addressed collectively and collaboratively across Departments, their agencies and other service delivery structures. Following the collapse of the Northern Ireland Executive in February 2022 and subsequent restoration in February 2024, a new PfG 2024-2027 is undergoing public consultation.
- 1.24 A notable example of transformation is the Transitioning Youth Justice Strategy (the Strategy) in changing the narrative for children who offend to early intervention and a more holistic focus with their offending seen as only one aspect of their life and needs. This aligned with the PfG aim to provide children with the best start in life and the intent of the Children’s Services Co-Operation Act (Northern Ireland) 2015 and the Children and Young People’s Strategy for Northern Ireland 2020-2030. The Strategy hoped to address core issues and included dealing with helping families and sources of stress and trauma such as domestic abuse, mental health, education needs, poverty and homelessness. It required a collaborative approach to address a child’s needs and rights and prevent many of the issues which can lead to offending behaviour and entering the criminal justice system.
- 1.25 The most recent approach to transforming digital justice was found in the DoJ Digital Strategy in 2020, to build on existing systems in a collaborative way and make technology improvements for criminal justice system users and wider society.

3 Northern Ireland Executive, *Programme for Government (PfG), 2021* available at <https://www.northernireland.gov.uk/programme-government-pfg-2021>.

4 *Ibid.*

The COVID-19 pandemic (the pandemic) forced a rapid response and fast-tracking of some key initiatives that demonstrated the ability of criminal justice organisations to adapt and change strategically, at pace. The Digital Strategy was under review at the time of writing.

- 1.26 In March 2021 the Vision for the Modernisation of Courts and Tribunals, agreed by the Minister of Justice, former Lord Chief Justice and former Director of the NICTS, was launched.
- 1.27 In September 2021, the Lady Chief Justice's Office (LCJO) published a Judicial Modernisation paper⁵ on modernising the justice system that outlined judicial priorities and preferences for how Courts and tribunals services would be delivered in the future, moving cases from being heard in a physical environment to hybrid and virtual environments, enabled by digital solutions and new ways of working. Following this, the NICTS published a five-year Digital Strategy in January 2022.⁶ That took account of the themes and priorities in both the Vision and Judicial Modernisation documents. Delivery was overseen by the NICTS Vision Strategic Oversight Group whose membership included the Lady Chief Justice (LCJ), the DoJ Permanent Secretary and the then NICTS Acting Director.
- 1.28 In its centenary year, the Law Society of Northern Ireland also set out its priorities for reform in the Justice Agenda 2022⁷. These included recovering Court business from the pandemic and digital transformation.
- 1.29 The NICTS has recently completed a competitive tendering process to replace a number of line of business systems including the ICOS system (for civil, family and criminal justice case processing and management) and create a new operating model including a new 'Themis' system. This will continue to interface with the Causeway system. Inspectors were advised that this will be based on user-centred design and involve extensive engagement with stakeholders.
- 1.30 Criminal Justice Inspection Northern Ireland (CJI) has reported on many of the key issues and areas required to truly transform and deliver a better criminal justice system in Northern Ireland and recommendations have been accepted by many criminal justice system organisations. Not all have been implemented, some recommendations that could have the biggest impact such as statutory time limits, specialist courts for road traffic crime and services for Victims and Witnesses that deliver Victim and Witness Charter obligations have not been progressed at all or sufficiently progressed to make the improvements needed.

5 LCJO, *Judicial Modernisation Paper, September 2021* available at <https://www.judiciaryni.uk/publications/judicial-modernisation-paper-september-2021>.

6 NICTS *Digital Strategy 17 January 2022* available at <https://www.justice-ni.gov.uk/publications/nicts-digital-strategy-2021-2026>.

7 Law Society of Northern Ireland *Justice Agenda 2022* available at https://www.lawsoc-ni.org/DatabaseDocs/new_6240530_law_soc_justice_agenda_2022assemblyfinal.pdf.

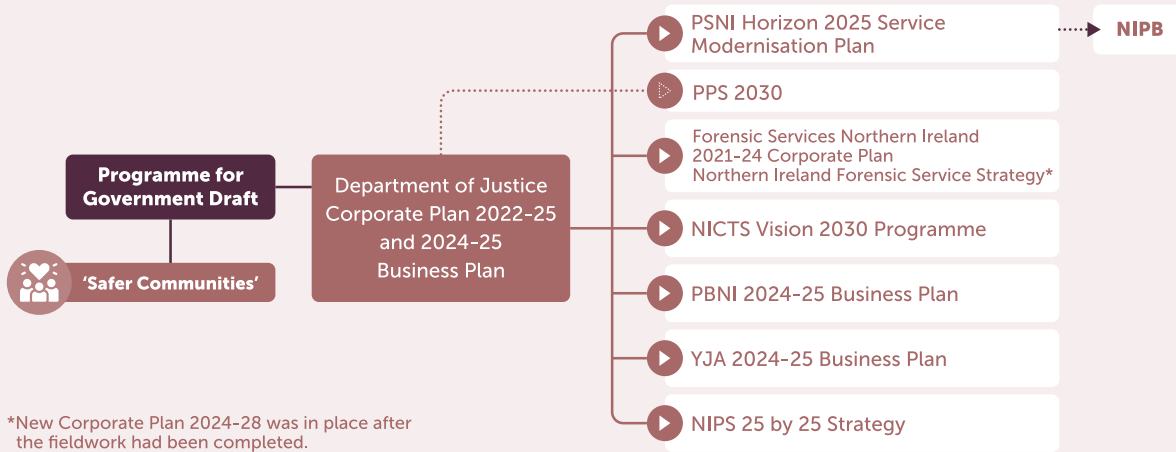
Political uncertainty and the continued absence of the Northern Ireland Executive, one-year budgets and the often-cited focus on protecting operational and decision-making independence, important as they are, are considered barriers to real collaboration and progress.

- 1.31 The criminal justice system response to the pandemic required an unanticipated and agile response to the health and safety of service users, Judiciary and staff while maintaining essential services. It was significant however, that progress was accelerated through the deployment of technology to support business continuity was fast-tracked because of the pandemic and video links and sharing information electronically rapidly became business as usual. This demonstrated the ability of criminal justice system organisations and the judiciary to come together and focus their attention on how to improve the criminal justice system at short notice and to a tight timeframe.
- 1.32 This inspection intended to provide an overview of more recent, criminal justice-wide transformation strategies. It was not an exercise in evaluating every strategy, programme and policy of each of the criminal justice system organisations. The overall aim of this inspection was to look at the strategic journey with a focus on future transformation of the criminal justice system.

CHAPTER 2: STRATEGY AND GOVERNANCE

2.1 The architecture, governance and funding arrangements for the criminal justice system in Northern Ireland can be difficult for those both inside and outside it to understand. Diagram 1 represents the key criminal justice organisations and their corporate strategy documents for business change and transformation. Organisations had direct links with each other but had different accountability and reporting mechanisms to the DoJ, DoF and other external bodies. For example, there are clear links between the DoJ policy and the PSNI strategy and operational service delivery for community safety on which they report to the NIPB. The PPS however are not accountable to nor funded by the DoJ in keeping with the Belfast/Good Friday Agreement and Criminal Justice Review arrangements to protect the PPS’s independence and foster community confidence in the criminal justice system.

Diagram 1: Criminal Justice System Organisational Transformation Priorities and Statements of Intent/Objectives



*New Corporate Plan 2024-28 was in place after the fieldwork had been completed.

Notes:

The PPS is funded by the DoF.
The PSNI is accountable to the NIPB and the Chief Constable, as Accounting Officer, is also accountable to the DoJ Permanent Secretary as Principal Accounting Officer and funding Department for the PSNI.
The Forensic Services Strategy 2021-2026 is a joint DoJ, FSNI and PSNI strategy.

2.2 This inspection did not seek to review and compare every individual strategy from all the criminal justice organisations; there were too many and they were too wide ranging. The Inspection Team looked at key strategies that were considered transformational across the criminal justice system to ascertain how priorities were shared and how well connected the strategic system was.

Programme for Government (PfG)

- 2.3 The PfG set out the long-term strategic vision and outcomes for Northern Ireland citizens with the overall aim to improve wellbeing for all. Relating to criminal justice system transformation, the 2016-21 PfG⁸ contained 'We have a safe community where we respect the law, and each other' as a key outcome. Indicators to demonstrate how this outcome was being achieved included:
- reduce crime (prevalence rate – number of victims of any crime);
 - increase the effectiveness of the justice system (proportion of criminal cases processed within guideline time limits); and
 - reduce reoffending (reoffending rate).
- 2.4 As stated earlier in this report, a draft PfG had been subject to public consultation in January 2021 and Departments were working to the last PfG outcome indicators. The key justice outcome, 'Everyone feels safe – we all respect the law and each other', did not differ materially from the previous PfG outcome.
- 2.5 The draft PfG, like its predecessor, recognised the importance of cross Departmental working on issues that required them to achieve a desired outcome for citizens. The criminal justice system had multiple examples where better outcomes for people are dependent on a whole of system response and requires effective partnership working, particularly with the Departments of Health and Education, the Department for Communities and their agencies and Arm's Length Bodies.
- 2.6 Problem Solving Justice is an international model aimed at tackling the root causes of offending behaviour, reducing harm and addressing vulnerabilities in families and the community. A portfolio of Problem Solving Justice projects was developed in Northern Ireland by the DoJ in partnership with other Departments, agencies and voluntary and community sector partners. It had its origins in a DoF Cross Cutting Reform Programme that called for bids across all Departments and provided funding from 2017-18 for a substance misuse court. A Problem Solving Justice five-year Strategic Plan up to 2024-25 was developed and in the financial year 2022-23, £2.7m was allocated and subsequently reduced to £2.3m following easements; £487,000 of this was for the Substance Misuse Court. In 2023-24 this was reduced to £479,000. Inspectors were advised that Problem Solving Justice was no longer a programme and was being treated as business as usual within project lead areas.
- 2.7 The collapse of the Northern Ireland Executive and a lack of Executive agreement on strategic justice priorities had limited system transformation. Significant proposals such as increasing the age of criminal responsibility, introducing statutory time limits and further reform of criminal legal aid could not be implemented without the consensus of an Executive even when it was operational.

8 Northern Ireland Executive, Draft Programme for Government Framework available at <https://www.northernireland.gov.uk/consultations/draft-programme-government-framework-2016-21-and-questionnaire>.

While committal reform (the transfer of cases from the Magistrates' Court to the Crown Court much quicker) had been achieved, it was less ambitious than originally envisaged and is not yet fully implemented. Other impacts of a lack of functioning government were the pressure on the legislative programme priorities which had created a backlog of required changes and significant budget pressures. Overall, there was a difficult environment for criminal justice organisations to promote, develop and deliver collaborative transformation. Despite these challenges, the DoJ was pursuing change and improvement.

2.8 The Northern Ireland Executive was restored in February 2024 and a public consultation of a new draft PfG 2024-27 *Our Plan: Doing What Matters Most* was launched in September 2024 and includes Safer Communities and Reform and Transformation of Public Services as priorities. A new Reform and Transformation Unit and Public Sector Transformation Board will provide governance and accountability for a new Transformation Fund that the DoJ has applied to for project funding.

2.9 During fieldwork, the Inspection Team looked at the strategies that the individual agencies and organisations considered transformational.

DoJ Strategic Approach

2.10 The DoJ had responsibility for delivering relevant PfG commitments and Corporate Plan priorities⁹ with the mission of *'Working in partnership to create a fair, just and safe community, where we respect the law and each other.'* Strategic themes for the 2022-25 Corporate Plan and supporting annual Business Plans include delivering an effective justice system, challenge offending behaviours and support rehabilitation, support safe and resilient communities and address harm and vulnerability.

2.11 At the time of initial inspection fieldwork efforts were concentrated on recovering the criminal justice system to pre-pandemic business levels and maintaining services. The ambition was to return to 'normal levels of operation over time'. There was an acknowledgment of innovation accelerated by the pandemic. For example, *Sightlink* technology removed the need to move defendants from police custody suites to Courts by having a video feed to the police station. The extent of the policy and legislative programme had been severely impacted by the collapse of the Northern Ireland Executive from January 2017 to January 2020 and was further exacerbated by the February 2022 collapse.

2.12 Causeway¹⁰ was a significant £80m plus pathfinder IT transformation programme of its time and had been developed since its introduction in 2002 to incorporate the implementation of new legislation, the creation of new offences, orders and penalties, flag particular types of offences such as domestic abuse and provide better management information for criminal justice organisations.

9 Further information about the DoJ is available at <https://www.justice-ni.gov.uk/about-department-justice>.

10 Further information on Causeway available at <https://www.justice-ni.gov.uk/articles/causeway>.

Plans to incorporate the PBNi in Causeway and realise efficiencies such as eradicating the need for re-keying information received from Courts has not progressed at the pace anticipated. In essence, it is an electronic data sharing mechanism messaging system with each of the key criminal justice organisations retaining their own line of business IT case management systems. The governance of the Causeway system and contract management is overseen by a Causeway Management Board, chaired by the DoJ with members drawn from participant criminal justice organisations, that will advise the Criminal Justice Board (CJB) on the future vision and development of Causeway.

- 2.13 The DoJ had acknowledged transformational strategies were needed but not always possible. For example, previous attempts to introduce statutory time limits for criminal cases were not widely supported nor advanced by the wider criminal justice system with a preference instead given to other initiatives such as committal reform. In a further example, CJI recommended time limits in 2010¹¹ as a realistic way to improve the end-to-end time taken for criminal cases. The DoJ were not able to progress statutory time limits without political consent and in the interim, guideline time limits were developed. End-to-end measurement had started monitoring the date on which a crime was reported to the police to the date the case was disposed of. A baseline for yearly comparison was established for 2015-16. These measures were available and reviewed in Chapter Four of this report.
- 2.14 The DoJ referred Inspectors to the *Digital Justice Strategy 2020*¹² as a key transformational strategy. It was developed with the aim to bring together all the digital strategies of the individual criminal justice organisations, to identify how the justice system could improve the experience of people in contact with the justice system under the themes of digital communication and skills; a more effective justice system; and innovation. There were few indicators of progress given the strategy was in early stages, but a notable example was *Sightlink* mentioned previously. This initiative was swiftly introduced under the leadership of the CJB and the introduction of emergency regulations during the COVID-19 pandemic and enabled business continuity. Remote hearings through video links across Northern Ireland transformed the way criminal Courts operated. Defendants, lawyers, Police Officers and witnesses were not required to journey across the jurisdiction to attend mentions or hearings. Inspectors considered that the ability to digitally connect all criminal justice users and maintain Court business was transformative and demonstrated the power of an effective crisis response.
- 2.15 In marked contrast the PSNI introduced Body Worn Video by Police Officers investigating a report of a crime and providing this evidence in disc form at Court.

11 CJI, *Avoidable Delay, June 2010* available at <https://www.cjini.org/getattachment/c0243f51-1e73-47e8-a6fa-344d5f0063c5/Avoidable-Delay.aspx>.

12 DoJ, *Digital Justice Strategy, July 2020* available at <https://www.justice-ni.gov.uk/publications/digital-justice-strategy-2020>.

This had benefits for the PSNI but its implementation had a 'domino effect' on other organisations such as the PPS and the NICTS with potentially unanticipated consequences. The PSNI had provided laptops to support the presentation of evidence at Court hearings. However, CJI had reported on this in the Sexual Violence and Abuse and Domestic Violence and Abuse¹³ inspections. Inspectors were told of a bizarre scenario of a Court not being able to play video evidence as the compatible equipment needed had not been agreed and sourced in advance. In CJI's File Quality and Disclosure¹⁴ inspection, Inspectors found that video evidence had continued to cause significant burdens and delays for example, to the work being carried out by Prosecutors. This was an example of a poor justice outcome when an overall end-to-end plan to improve the system had not been implemented by all affected criminal justice partners.

2.16 A Digital Evidence Management System or DEMS systems approach had been adopted by the PSNI, PPS, NICTS and defence solicitors. This included the sharing of digital evidence including Body Worn Video as part of what was known as 'Phase 2' which was the wider roll out of sharing the digital formatted data between the police and prosecution. 'Phase 3' enabled data sharing with defence lawyers and, following a PSNI decision to cease paper-based services and re-prioritisation of PPS functionality requirements, this went live in October 2023.

2.17 As part of its Vision 2030 programme, the NICTS had published a Digital Strategy in 2022¹⁵ that was agreed by the DoJ and the LCJ. It sought to build on the successful use of technology within Courts during the pandemic. This was to be aligned with the overarching DoJ Digital Strategy and wider Northern Ireland Civil Service Digital Transformation Programme. The NICTS advised Inspectors it reported progress through Vision 2030 governance channels that included the Service Modernisation Programme Board, Portfolio Board and Stakeholder Advisory Group. At the time of inspection fieldwork, Inspectors were told progress was reported to the Criminal Justice Improvement Group (CJIG)¹⁶ that included PSNI and PPS representatives as well as criminal justice leaders who were not part of the CJB. While the CJIG provided an opportunity for strategic connections between the DoJ, its agencies and Arm's Length Bodies, it appears to have been disbanded and has not met for some time, therefore the role of criminal justice leadership below the CJB members and those organisations without membership in the CJB in shared vision, governance and collaborative decision making, other than those involved in the five Speeding Up Justice projects and NICTS Vision 2030 governance arrangements was unclear.

13 CJI, *Inspection reports* available at <https://www.cjini.org/TheInspections/Inspection-Reports>

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

15 NICTS, *Digital Strategy 2021-26, January 2022* available at <https://www.justice-ni.gov.uk/publications/nicts-digital-strategy-2021-2026>

16 This reported to the Criminal Justice Board and included management representation across the Criminal Justice sector.

- 2.18 The Forensic Services Strategy is a notable example of a joint DoJ, PSNI and FSNI strategy to improve forensic services in Northern Ireland. It demonstrated a shared vision and what effective leadership can achieve, however, implementation has not progressed at the pace hoped for. This strategy is discussed further at paragraph 2.54.
- 2.19 There were limited indicators on which to monitor outcomes. One of the key priority areas was improving the effectiveness and accessibility of criminal justice at all levels and speeding-up justice. Overall confidence, outcomes, and efficiency are all measures of how the system performs, however, the speed of the system was a vital measure and required consideration on an end-to-end basis. Data was analysed in more depth in the Outcomes section of this report, however, there had been no significant changes to offending rates and the time taken over a 10-year time frame.
- 2.20 There was an acceptance from those interviewed within the DoJ and in other organisations that transformation approaches across the criminal justice system were generally developed from within the independent parts of the system. For example, the PPS and the PSNI as two of the key organisations, had focused since the devolution of justice on their independence from each other and from external influence. CJI recommended 'Working Together'¹⁷ as a joined-up approach to improve the preparation and prosecution of criminal cases. CJI's further report on these key foundations of a criminal case showed that it had been slow to establish and only marginal improvements were found with outcomes not dissimilar to the initial inspection of 2015. This example signalled the difficulties faced at a Departmental level to affect change. The DoJ advised Inspectors that the PSNI and PPS have reviewed the Working Together Programme Board and agreed key priorities aligned to and feeding into the Speeding Up Justice programme. A DoJ representative now attends the Working Together Programme Board to provide a clear link to the CJB programme. While this is welcomed, the Inspection Team considered the strategic approaches appeared to be limited by what was achievable in Northern Ireland in the absence of system-wide agreement and in the absence of the leadership of a functioning Executive. Since the Executive was restored in February 2024 and a Minister of Justice back in office, a new PfG is anticipated that Inspectors hope will feature transformational criminal justice system change.

Criminal Justice Board (CJB)

- 2.21 The CJB (Diagram 2) was the strategic oversight group for the criminal justice system in Northern Ireland. Usually chaired by the Minister of Justice, members included the LCJ, the Chief Constable, the Director of Public Prosecutions, the Permanent Secretary of the DoJ and more recently the NICTS Director. The Permanent Secretary had chaired the CJB in the absence of a Minister.

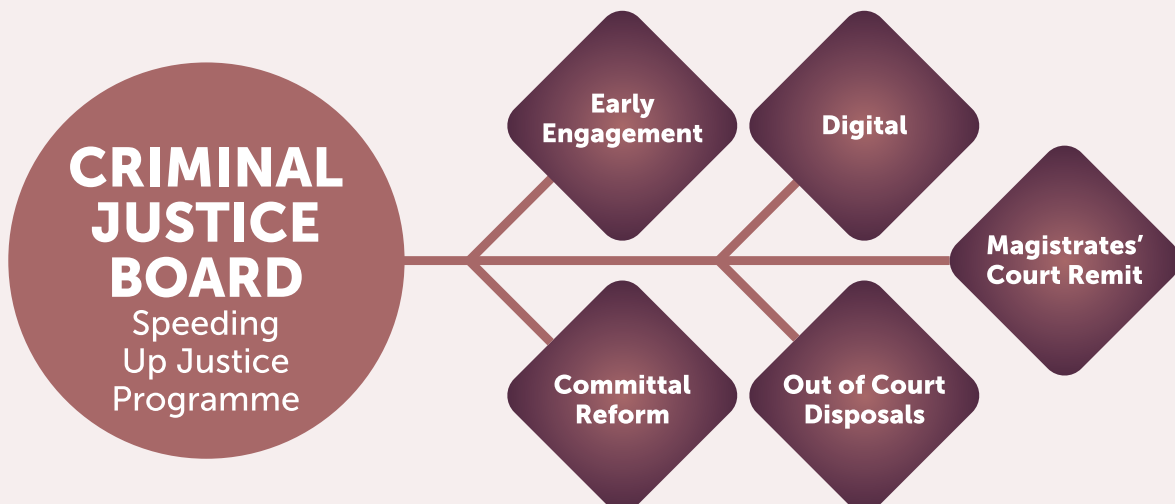
¹⁷ CJI, *An Inspection of the quality and timeliness of police files (incorporating disclosure) submitted to the PPS, November 2015* available at <https://www.cjini.org/getdoc/72d9e88c-9c4f-412f-bebe-9ab1b6716b2b/File-Quality-and-Disclosure>.

Other organisations such as the NIPS, Victim Support Northern Ireland and the Commissioner Designate for Victims of Crime provided evidence to the CJB on issues relevant to them and related to their areas of expertise. The membership, purpose and functions of the CJB are illustrated in their work programme (Diagrams 2 and 3).

Diagram 2: Criminal Justice Board Membership¹⁸



Diagram 3: Criminal Justice Board Work Programme



18 There was no Minister of Justice in office during inspection fieldwork until restored in February 2024.

- 2.22 The CJB sought to develop strategic criminal justice objectives and deliver effectiveness across the criminal justice system through five key priority projects in the Speeding Up Justice programme. This was significant for the CJB to assume strategic control and ownership of the performance of the criminal justice system as a whole.
- 2.23 The Board members Inspectors spoke to during fieldwork were positive about the quarterly meetings, however, at that time, there was an acceptance that they served more as a reporting mechanism to each other on progress of strategies that may impact on each other's organisations, as opposed to agreeing and directing cross-organisational strategies. The notable exception was the fast tracked and streamlined support measures introduced in response to the pandemic. Since then, the DoJ Permanent Secretary had secured CJB agreement on a programme of five priority projects each one is led by a CJB member.
- 2.24 The experience of overseeing business continuity during the pandemic and the progress made towards digital transformation demonstrated the potential for greater strategic alignment. The CJB have agreed a Speeding Up Justice Programme with five priority projects relating to committal reform, early engagement, out of Court disposals, the remit of the Magistrates' Court and digital, each sponsored by a CJB member. Inspectors were told there was a concern about the lack of 'levers' to control the overall direction of transformation travel on a system wide scale. There appeared to be limited connection between the CJB strategic oversight and priority outcomes of the various strategies across the individual criminal justice system organisations. The DoJ and CJB need to agree how to clearly align strategic priorities and scarce budgets to achieve better justice outcomes while protecting independence, decision making and accountability. The Inspection Team looked at key strategies from the criminal justice organisations to provide an overview on transformation across the criminal justice system.

The PSNI

- 2.25 The *Policing Plan 2020-2025*¹⁹ outlined the strategic objectives for policing in Northern Ireland. The five-year objectives focused on:

- We have a safe community;
- We have confidence in policing; and
- We have engaged and supportive communities.

Within this plan were a range of measurements and indicators in a yearly Performance Plan. The Policing Plan focused on measuring police performance which could be loosely linked to the draft PfG draft and criminal justice system strategic goals. However, when considering Diagram 1, accountability was to the NIPB with a strong overall focus on the protection of the independence of the police. The PSNI and the PPS protection of their own independence had limited the capability of 'end-to-end' strategic system transformation.

19 Northern Ireland Policing Board, *Policing Plan 2020-2025 and Performance Plan 2022-23*, accessed by CJI March 2023 available at <https://www.nipolicingboard.org.uk/policing-plan-2020-25-and-performance-plan-202223>.

2.26 The PSNI provided the Inspection Team with a significant number of 'Transformation' strategies which were in operation at the time of writing.²⁰ These varied widely from Crime Prevention Strategy 2025, Digital Justice, Horizon 2025²¹, to Practical Peeler Aide Memoires and Remote Digital projects. The policing Digital Strategy was considered integrated with the wider DoJ Digital Strategy as part of their overall internal transformation; however, it was unclear how one influenced the other. The Horizon 2025 plan was the PSNI's rebranded Corporate Plan with a key priority aimed to build a Digital Police Service which provided officers with better technology to make real time informed decisions and a way to speed up evidence collection.

2.27 Within the PSNI there was a Service Transformation Board chaired by the Chief Operating Officer and an Assistant Chief Officer for Strategic Planning and Transformation had been appointed, however, there were a number of different strategic leads for various change/business improvement strategies reporting to the Senior Management Team. The Transformation Team did not directly link to, nor were involved in all strategies.

2.28 Some further examples of the strategies provided to the Inspection Team by the PSNI²² set out how they work with local communities, partners and within their own organisation, to achieve their 'Mission' to keep people safe by providing a visible, accessible, responsive, community-focused police service. These 10 key strategies were:

- Engagement Strategy;
- The Hallmarks of Neighbourhood Policing;
- Serious and Organised Crime Strategy;
- Crime Prevention Strategy;
- Digital Strategy;
- Estate Strategy;
- Fleet Strategy;
- People Strategy;
- Horizon 2025; and
- Tackling Violence Against Women and Girls.

2.29 This was a comprehensive and wide-ranging strategic agenda. For example, the Digital Strategy was designed to ensure that the PSNI were able to keep people safe in a digital society. It set out the requirements and importance of Information and Communication Technology (ICT) in supporting Police Officers and staff to carry out their duties and to enable accessible communications with justice partners and members of the public. This strategy was linked by the PSNI with some of their other strategies such as Horizon 2025.

20 PSNI, *Our Strategies and Vision*, available at <https://www.psnipolice.uk/about-us/our-strategies-and-vision>.

21 Police Service NI, *Horizon 2025. Service Modernisation Plan*. Internal document.

22 PSNI, *Strategies and Vision*, available at <https://www.psnipolice.uk/about-us/our-strategies-and-vision>.

However, there was no clear outline of how this linked to other wider justice strategies in the same way that the NICTS Digital Strategy had similar linkage to the DoJ Digital Strategy. There was an arguable generic link to the PfG Outcome – ‘*We have a safe community where we respect the law and each other*’.

2.30 Horizon 2025 provided a further example of a PSNI strategy which aimed to modernise the PSNI and deliver the Policing Plan Outcomes. There were clear links to other policing strategies such as ‘Digital’ and ‘People’ and a further loose reference to the draft PfG, however these were policing strategies aimed primarily at delivering policing objectives and answering to the Policing Plan. These strategies provided initiatives aimed at transforming justice in terms of policing however, as found in similar approaches among the criminal justice organisations, system-wide transformation was not so well documented. The focus on policing transformation was considered by senior police as influential on wider transformation but not necessarily designed to do so. Overall, the Inspection Team found clear strategies to improve policing performance as directed and under the control of the Senior Management Team, which in turn reported to the NIPB. The PSNI reported updates on internal work and developments to the CJB, but not as a method of directing overall justice transformation. The PSNI took cognisance of other criminal justice system reports, but it was unclear how much influence this could have on the organisation’s strategic direction.

PPS

2.31 The PPS was a key justice partner with the capability of influencing the transformation of the wider criminal justice system. Senior PPS leaders agreed that the CJB was a unique opportunity to shape and control criminal justice transformation and were keen to support the PSNI, the LCJO and DoJ in improving the criminal justice system. There were many potentially transformational areas for criminal justice partners including the PPS, covered in previous CJI inspections²³ for example Avoidable Delay, Access to Justice, and more recently, sex offences in the CJI reports on Sexual Violence and Abuse and Domestic Violence and Abuse, the first of which was echoed by the Gillen Review²⁴. These concerned significant areas which required a complete justice transformation approach.

2.32 The PPS confirmed that internally, its Change Management Framework (the mechanism that oversees transformation) had undergone a number of changes in recent years. This was aligned to the changing pressures placed on the PPS both internally and externally. A Strategic Improvement Board was established in May 2019 to support the Management Board and aimed to align the work of a programme published by the CJB. These broad areas were avoidable delay and digital innovation. The PPS recognised that there were many delay initiatives and a dedicated project management resource was required.

23 CJI Inspection Reports available at <https://www.cjini.org/TheInspections/Inspection-Reports>.

24 DoJ, Gillen Review Report into the law and procedures in serious sexual offences in NI, May 2019 available <https://www.justice-ni.gov.uk/publications/gillen-review-report-law-and-procedures-serious-sexual-offences-ni>.

The original work programme for the Strategic Improvement Board included:

- Speeding Up Justice – primarily Committal Reform, Working Together and Indictable Case Project;
- Case management;
- Disclosure;
- Digital Strategy, including Digital Evidence Management;
- Development of a new Fees Scheme; and
- Implementation of the Gillen Review.

- 2.33 The Strategic Improvement Board, chaired by the Deputy Director, met every two months with two Senior Assistant Directors, during which updates were provided by project leads. These project leads were involved directly with colleagues across the criminal justice system and the DoJ as programmes were being developed. The pandemic had forced the PPS to rethink its digital strategy with hybrid working (from home) and remote Courts becoming the norm along with the electronic transfer of documents to defendants and defence. As previously discussed, many of these areas had been earmarked as part of a longer-term strategic goal for strategic transformation.
- 2.34 The PPS 2030 strategy has superseded the Service Improvement and Innovation Programme and provides a vision for the PPS to deliver a more efficient organisation that will target its resources to areas of greatest priority such as reducing demand and proportional case building.
- 2.35 The most recent Communications and Engagement Strategy 2021-26²⁵ reiterated the PPS commitment to independence, fairness and effectiveness and addressed the need for communication with victims and witnesses, stakeholders and the wider community. It was a first move to expand and organise engagement with key audiences including other justice partners however, it mainly focused on PPS improvement. The Inspection Team were supportive of this approach however, as with the PSNI and other criminal justice organisations, this was not part of a justice-wide led initiative. For example, victim engagement was a focus within the PPS strategically, but this was not a 'justice' led initiative.
- 2.36 The total number of transformation projects/strategies under active consideration by the PPS was just under 40 at the time of initial inspection fieldwork. This was a considerable number which was placing pressures on PPS resources. Inspectors were told that the sheer number of strategic external priorities, added to its own priorities, meant that it was no longer feasible to implement all of them. The Senior Management Team had been forced to start a re-prioritisation project. With the multitude of other transformation policies across the criminal justice system, the PPS management team indicated that a system-wide rationalisation of strategic approaches to focus on delivering system outcomes would greatly improve overall justice aims.

25 PPSNI, *Communications and Engagement Strategy*, 21 June 2021 available at <https://www.ppsni.gov.uk/publications/communications-and-engagement-strategy-2021-26>.

2.37 The PPS strategic documents that were provided demonstrated a clear strategic plan to develop prosecution services. There were many aspects of these strategies that linked into the work of others or 'touch points' where the prosecution team interfaced with others for example the Courts, the PSNI and victims and witness services. The sum of all the parts of these strategies may well end up improving the justice system and achieving the goals set in the draft PfG but were described to Inspectors as incidental or a side effect rather than achieving centralised transformation aims.

The NICTS and the LCJO

2.38 The NICTS, an Executive Agency of the DoJ, provided administrative support for the running of Northern Ireland's criminal Courts. The pandemic proved to be a challenging time regarding the development and progress of strategies for the NICTS, with full attention given to maintaining the health and safety of all Court users and staff and at the same time keeping Courts open and operational. Recovery from the pandemic was a key focus for the NICTS.

2.39 *Vision 2030*²⁶ was the substantive NICTS strategic approach to modernise and transform Courts and tribunals. The NICTS linked their strategic approach to the PfG under the banner of Access to Justice although it was unclear to Inspectors how this strategy impacted on a criminal justice-wide transformation rather than this being a single strategic approach within the justice system to improve overall transformation. This strategy had a number of areas of focus: Service design; Digital; Estates and People; with an overall aim to "...deliver independent, fair and effective modern courts and tribunals which serve the people of Northern Ireland with an innovative, collaborative and responsive administration of justice system."

2.40 In the absence of a wider criminal justice strategic focus, the strategic scope of *Vision 2030* concentrated on internal development and those organisations and people who had direct contact with the Courts. The NICTS continued to focus on developing and transforming those aspects of justice it had control of or direct influence on. However, the NICTS told Inspectors it had undertaken extensive stakeholder engagement and sought to work in partnership with others across the criminal justice system to identify opportunities for improvement and collaborative working in the development and delivery of *Vision 2030* component programmes and projects. The NICTS were able to point to numerous programme groups, teams and boards on which senior members sat. These were proffered by those NICTS staff interviewed by Inspectors as indicators as a degree of system transformation by adding up the sum of programme parts without necessarily having the overall strategic aim of criminal justice system transformation.

26 NICTS, *Modernising the Courts and Tribunals Service in Northern Ireland, March 2021* available at <https://www.justice-ni.gov.uk/publications/nicts-modernisation-portfolio-vision-statement>

- 2.41 Overall, *Vision 2030* was intended to provide a framework for various programmes to modernise Courts. It was important to note that some significant digital transformation had been progressed by the urgent need to address the pandemic restrictions. For example, Inspectors were impressed with the smooth roll out of remote hearings within a relatively short period of time which was backed and supported as a single priority by the CJB. This meant routine Court business such as administrative adjournments, bail applications and review hearings could continue in a timely matter without the physical demands that are placed on all those having to go to Court. Furthermore, this demonstrated the success of rolling out strategies and programmes when the key justice partners worked together to achieve a common justice goal. There were significant opportunities for the DoJ and justice partners to continue the excellent progress in this area and use this experience to provide a roadmap to prioritise strategies and programmes in a collaborative way.
- 2.42 The NICTS also provided support for the DoJ planned reforms such as committal and case progression initiatives and provided support to the LCJO. In March 2021, the Minister for Justice, Director of NICTS and Lord Chief Justice, set out their joint vision for Modernising the Courts and Tribunals in Northern Ireland ('the Vision Statement'). This led to the NICTS Digital Strategy discussed earlier and presented a new way of using the Court system from the need to work remotely, revising case management, adopting a paperless justice system, to ensuring that Court business and Court time was efficient and effective. It also provided an opportunity to prioritise the needs of victims and witnesses and make Courts more accessible to all. With planning and joined-up working these areas can be better planned with the commitment of criminal justice organisations led by strategic governance of the CJB which included the LCJ.
- 2.43 While comparators with other jurisdictions can be difficult, digitisation of the Court system in England and Wales began in 2015 and CJI assisted the then Her Majesty's Crown Prosecution Service Inspectorate in the 2016 Inspection of Transforming Summary Justice.²⁷ This was a Judge led initiative to transform the way in which criminal casework is dealt with, by reducing delays and having fewer hearings and more effective trials – which was seen as central to improve the service to victims and witnesses. The average number of days for all cases dropped by 9.4 days, and by 17.9 days for contested cases (where a defendant pleads not guilty). Improvements have also been made in the average number of hearings it takes to deal with both guilty plea and contested cases. If improvements delivered in 2016 had not been made and hearings per case had remained unchanged from 2015, there would have been almost 39,000 additional hearings. Success was based on a cross-criminal justice agency initiative endorsed at the highest ministerial level by the National Criminal Justice Board.

27 HMCPSI, *CPS contributes towards improvements in the Magistrates' Courts* update available at <https://www.justiceinspectors.gov.uk/hmcpsi/updates/press-releases/2017/06/cps-contributes-towards-improvements-in-the-magistrates-courts/>.

Its aim was to reform the way in which criminal casework was undertaken in the Magistrates' Courts and to create a swifter criminal justice system, with reduced delay and fewer hearings. While there are differences in Northern Ireland, this demonstrated a potential roadmap of how transformation could take place with a Judge led approach.

NIPS

2.44 The NIPS had committed substantial efforts to improvement under the *Prisons 2020* strategy which was replaced by the *Prisons 25 by 25* strategic direction. The 2020 strategy had a clear internal focus with some linkages to improving those interfaces they had direct contact with including these key areas:

- People (focus on learning, shift patterns, reward and recognition, internal communication);
- Services (work with South Eastern Health and Social Care Trust for health care, focus on programmes for individual prisoners);
- Infrastructure (buildings improvements, digital enhancements); and
- Partnerships (enhance information sharing, learning, business ties, educate wider community).

2.45 The NIPS Management Board provided oversight with quarterly measurements of the key areas with annual reports on progress. Internal targets were at the forefront of prisons transformation for example, launching a new intranet, delivering a wellbeing landing and a review of services to support vulnerable people. These predominantly demonstrated an ambition to improve prisons systems and processes however, Inspectors noted a key Partnership Development Subgroup made up of the NIPS, the PBNI and the YJA had been created to develop a joint strategic approach to collaboration and partnering to address offending behaviours, and to agree a common approach to programmes for delivery to offenders and potential offenders. This subgroup sought to create collaborative working practices through joint training, mentoring and secondments opportunities. Although this was a local (prisons and close partners) response in improvement, this was good evidence of different parts of the justice system seeking to improve areas of mutual interest. This provided an example of the willingness of agencies and justice partners to improve and offered a platform for the wider justice agencies.

2.46 By the time of the final (internal review) report into progress of the *Prisons 2020* strategy, the updates provided examples of what was achievable for the then working environments and focused on actions, not outcomes, against transformational vision/change for the justice system. There were indicators which may incrementally improve the justice system and a clear link to the overall aims of the DoJ. However, the overall focus was internal improvement of NIPS processes and outcomes.

2.47 *Prisons 25 by 25*²⁸ followed a similar format as the previous strategy. It acknowledged that it had achieved (by its own review) 95% of 282 commitments from that previous strategy. The new strategic vision focused on People, Services, Infrastructure, Partnerships and Contribution. These were key themes that the Inspection Team found across the criminal justice system although they were not controlled by, or accountable to other strategic directions, rather each focused, as did the Prisons Vision, on internal improvements and recovery from the pandemic and internal improvement. For example, the NIPS contribution to the justice system was focused on improving how effective they were, explaining to external parties the work they did and promoting co-operation with custodial partners.

The PBNI

2.48 The PBNI were sponsored by the DoJ with the aim of providing assessments for convicted offenders, supervision and provided behavioural change programmes. Inspectors were provided with a list outlining the number of groups that they were members of. Of the 74 core Working Groups, 14 were considered Strategic/ Working Groups that were in some way linked with Transforming Justice. It was clear that the PBNI had committed a significant resource to developing these justice strategies, but the sheer number of approaches reflected a common criminal justice system approach in having numerous strategies which, if looked at combined, *may* 'add up' to transforming the system. This hopeful approach did not offer confidence that the system was being improved in a cohesive, planned way.

2.49 The *PBNI Corporate Plan*²⁹ focused on several key strategies dealing with PBNI core business. These included:

- Working in Partnership;
- Early Intervention;
- Problem Solving Approaches;
- Use evidence, research and best practice to ensure the organisation is effective and offering value for money;
- Staff Wellbeing and Learning; and
- Building awareness and confidence in the work of probation as the lead organisation responsible for rehabilitation in the community.

2.50 In summary, the PBNI modernisation had focused on estates, IT and workforce management. References were made to working with criminal justice partners, Health Trusts, the Public Health Agency and the voluntary and community sector. Delay and digital justice were also referred to but deference was made to the wider work of the DoJ.

28 DoJ, *Prisons 25 by 25*, 26 September 2022 available at <https://www.justice-ni.gov.uk/topics/prisons/prisons-25by25>.

29 *PBNI Corporate Plan* available at <https://www.pbni.org.uk/publications>.

2.51 The new *PBNI Draft Corporate Plan 2023-26*³⁰ had been consulted on. The impact of the pandemic played a large part in developing a plan for recovery and the future but there had been a more focused strategic prioritisation:

- People – develop, support and empower staff to improve service delivery;
- Services – effectiveness and quality;
- Funding – maximising budget and prioritising; and
- Partnerships – with others.

2.52 There were some key indicators of service improvement which can be seen as part of transforming the criminal justice system but in isolation in terms of PBNI delivery and not part of a wider directive. The PBNI were acutely aware that their part in the overall transformation of the criminal justice system was limited, but there were aspects of their strategic planning, particularly around Problem Solving, which had the potential to transform the criminal justice system provided all criminal justice organisations and partners shared this common priority. As it stood the focus was on modernisation to deliver current services like the other criminal justice organisations' approach to transformation.

FSNI

2.53 The FSNI was an agency of the DoJ. The *Corporate Plan*³¹ highlighted the Mission Statement of the FSNI as being the delivery of scientific excellence delivered in partnership supporting justice for all. Similar to other DoJ agencies, there were core strategic aims, for example People, Efficiency and Quality. The Business Plan had 45 targets based around eight strategic outcomes. Inspectors found that these were inward facing and designed to improve service delivery with accountability to the DoJ.

2.54 In April 2021, the Minister of Justice launched the second *Forensic Services Strategy* to review and innovate the delivery of forensic services in Northern Ireland. This was a joint strategy between the DoJ, FSNI and the PSNI to review current service delivery models and opportunities for collaboration and rationalisation to avoid duplication and increase efficiencies. In August 2023 two Service Delivery Model projects were launched in support of strategy implementation. A CJJI Inspection Report on Forensic Services in Northern Ireland was published in 2024³².

2.55 During inspection fieldwork, the FSNI provided Inspectors with a list of 32 working groups, some of which could be considered as being part of justice transformation. Similar to the other criminal justice organisations, the focus of these strategic groups was focused on inward development and thereafter there was a considered side impact on the wider criminal justice system by self-developing and maintaining and improving services.

30 *PBNI Draft Corporate plan 2023-26* available at <https://www.pbni.org.uk/publication/probation-board-northern-ireland-draft-corporate-plan-2023-26-consultation>.

31 *FSNI Corporate Plan 2021-24* available at <https://www.justice-ni.gov.uk/publications/fsni-corporate-plan-2021-24>.

32 *CJJI, Inspection of Forensic Services in Northern Ireland, February 2024* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2024/Jan-Mar/It-s-with-Forensics-An-Inspection-of-Forensic-Serv>.

There were less clear strategic wider links for example of these 32 groups, there was a focus on the internal business needs of FSNI or were areas of criminal justice in which they had some involvement. There were a further eight strategic groups³³ external to the criminal justice system which the FSNI considered were transformational. Most of these groups were attended primarily by the same senior FSNI representatives. This was commonplace with similar representatives from the criminal justice organisations across the different strategic forums.

- 2.56 The FSNI management indicated to Inspectors that accommodation improvements were a key strategic priority as they were reliant on temporary cabins as a result of safety concerns relating to the structural integrity of the roof. With many internal strategies, FSNI had sought to align some of its strategies with those of the DoJ to see how both aligned or rather whether they could align. There was a recognition that this was not an overall Justice Transformation approach, however, FSNI were engaged with wider justice strategies including Committal Reform and the Digital Strategy. At the same time, they were not connected with other key developments such as the PPS and PSNI Working Together project, as previously discussed in this report.
- 2.57 Overall, FSNI felt that there had been an improvement in FSNI representation at strategic meetings, but this manifested mostly in the attendance at the CJIG, which was established to bring project and programme leads together and was now no longer functioning. The FSNI management considered that the organisation was less visible at the higher strategic level but that this is an improving area.
- 2.58 Inspectors were told one-year budgets impacted on FSNI's ability to deliver any longer-term strategies but there was no overall justice direction with agencies proceeding with strategies that they could work with, and the lack of Executive lead was an important factor for FSNI and each of the criminal justice organisations in developing their different and limited approaches.

The need for a Strategic Hierarchy

- 2.59 In consideration of all the criminal justice organisations' strategic approaches as provided to Inspectors, the Inspection Team found that there were better visible joined-up strategic connections between those criminal justice organisations which had direct links with DoJ. However, even these organisations had focused on delivering internal strategies that may have an impact on system wide transformation.

³³ Association of Forensic Science Providers; Forensic Science Advisory Council; Home Office, Criminal Justice Board Forensic Sub Group; European Network of Forensic Science Institutions; Intergovernmental Agreement Project Advisory Group; Operation Talla - Gold Command; Association of Forensic Science Providers Health and Safety group; and Forensic Capability Network.

Other organisations outside of the direct remit of the DoJ had fewer clear linkages to criminal justice transformation which left the CJB in a unique position as a forum in which key leaders could come together to shape a mutual transformational strategic approach. The agreed Speeding Up Justice programme and projects had demonstrated the CJB's collective decision making and prioritisation for the criminal justice system. Clear vision, direction and decision making becomes even more of an imperative in a challenging financial environment and drivers to optimise available budget are apparent to all.

- 2.60 The CJB is in a unique position, while safeguarding member independence and mindful that DoJ does not fund the PPS, to agree a vision and shared priorities for transformation and innovation across the criminal justice system. These should be considered for prioritised funding and supported by effective governance and accountability arrangements. The DoJ should ensure effective consultation and continued engagement with its agencies, and Arm's Length Bodies that are not represented on the CJB but are key organisations in the criminal justice system. The future vision and strategic priorities should have the support of all CJB members, reflected in future approved Corporate, Business and Policing Plans and budgets as well as clearly and continuously communicated to all key criminal justice system organisations and stakeholders at all levels.

STRATEGIC RECOMMENDATION

Within six months from the publication of this report, the Department of Justice should facilitate Criminal Justice Board members' agreement of a shared future vision and strategic priorities to deliver transformational change and innovation across the criminal justice system. These should be clearly communicated and reflected appropriately in organisations' Corporate and Business Plans.

Artificial Intelligence in the Criminal Justice System – opportunity or threat?

- 2.61 As outlined previously, each criminal justice system has invested in and developed its own line of business IT systems and strategies for service improvements with various information and communications technology (ICT) contractors and suppliers as their thinking partners. Some share data through Causeway services, digital disclosure and evidence presentation and video links in technology Courts. Keeping pace with technology advancements in wider society and joined up strategic thinking about future developments depend on the resources available to that organisation, their appetite for change and their access to expertise that supports an organisation's curiosity in inventing the future.
- 2.62 Justice systems across the world are considering the use of Artificial Intelligence (AI) and the benefits and risks associated with its use. While there are opportunities for criminal justice system transformation, there have been mixed responses about how it could support the application of the law while upholding human rights.

A March 2022 report by the House of Lords Justice and Home Affairs Committee recognised the potential benefits of AI for efficiency, productivity and problem solving but cautioned about a lack of minimum standards, transparency and other issues. The Government formally responded to the report in June 2022 and disagreed with several of the recommendations in it. In July 2022 the Government published an AI action plan alongside a policy paper on establishing a “pro-innovation” approach to the regulation of AI in the UK.

- 2.63 Public bodies and police forces are not obliged to disclose information on their use of AI technology. The Police Service Digital Strategy for 2021 and beyond includes Augmented AI as one of its in view ICT projects. The DoJ also indicated that AI is part of future work. However, it is not clear if other organisations are considering the use of AI and its potential contribution to future transformation in the Northern Ireland criminal justice system.
- 2.64 AI and its use in the justice system is a controversial and constantly developing issue and one the Minister of Justice and Committee for Justice may have an interest in.

CHAPTER 3: **DELIVERY - AN OVERVIEW OF STRATEGIC IMPLEMENTATION**

- 3.1 Chapter 2 provided an overview that the criminal justice organisations had a focus on reporting on internal organisational targets. Other wider Departmental themed projects such as Speeding Up Justice, required reporting progress updates, which fell to individual project and programme leads from each subgroup. The project leads were responsible for the design and implementation of the multitude of internal strategies each organisation had and within these subgroups there were often smaller teams or groups of individuals given specific roles. There were too many of these individual groups to interview separately; however, this did not present Inspectors with any significant concerns as the same personnel appeared on many of the multiple forums and subgroups that were set up to monitor performance and deliver strategies.
- 3.2 Inspectors sought clarification and a 'roadmap' for all the various strategies from the DoJ however, it proved to be a difficult and sizeable task for the DoJ and was not available at the time of writing. However, Inspectors were told by strategic leaders that many strategies overlapped which was causing duplication of efforts. For example, the CJIG (see paragraphs 2.17 and 2.57), as the delivery arm of the CJB, had the same members as some of the other strategic groups dealing with Delay and Access to Justice. One benefit of having the same personnel on the many subgroups and committees, was that they often were the same leads for the many different projects and could update the groups on progress easily.
- 3.3 This approach of having a multitude of projects from many different strategies, with representation being the same throughout, had in part contributed to lack of strategic focus discussed in Chapter 2. The Inspection Team was concerned that each organisation was reporting its own approaches, to each other, and that the issue around duplication of efforts was not being led or directed with a common goal and using the same delivery mechanisms to meet different strategic goals, leads to inertia and a dilution of overall strategic goals (of which there were too many). It was difficult to see how the needs of those impacted most, the end user, were being placed at the fore of wider strategic goals.
- 3.4 The DoJ representatives interviewed agreed that this was a concern and that the established CJIG forum was the best way of tackling the issue. The aims were to revisit the many different strategic approaches with a view to streamlining and aligning common areas. This was a relatively new approach since 2021 and potential benefits and outcomes were not available at the time of this inspection.

It was hoped by the DoJ that this, in part, would deal with the lack of strategic oversight and governance but Inspectors remained concerned that this was yet another forum/reporting mechanism that ultimately needed better strategic governance as required in the recommendation in Chapter 2. Since those interviews the CJIG had been discontinued with the CJB oversight focussing on five priority projects (paragraphs 2.24 refers).

- 3.5 The DoJ delivery commitments were most directly associated with the draft PfG Outcome, *'We have a safe community where we respect the law, and each other.'* This outcome had four key priority areas³⁴ in which for example delay was included as part of Speeding Up Justice. The DoJ had a monitoring system or 'framework' with indicators that measured how the system was performing against outcomes, to provide a basis to monitor progress and take appropriate corrective action.³⁵ One indicator of effectiveness devised by the DoJ (Indicator 38) was to increase the effectiveness of the justice system. The key measurement was the median number of days a criminal case completes from report to disposal. This indicator was important for the speedy resolution of criminal cases for victims and played a vital role for ensuring public confidence in the criminal justice system.
- 3.6 The DoJ Corporate Plan 2022-25 and the Business Plan 2023-24³⁶ set the mission *'Working in partnership to create a fair, just and safe community, where we respect the law and each other'*, strategic themes and priorities as well as the operating and budget context for the Department. This was expected to continue for 2024-25 and, following the restoration of the Northern Ireland Executive and Assembly in February 2024, a new PfG was anticipated. The Business Plan included a strategic theme to *'Deliver an Effective Justice System'* and an action *'To support the continued modernisation and transformation of the civil and criminal justice systems'*. This was underpinned with a deliverable to lead on a Speeding Up Justice programme to provide leadership and support regarding initiatives targeted at reducing avoidable delay through a multi-faceted work programme involving performance reporting, working in partnership, legislation, research and analysis and improvement projects. The Outcomes Chapter in this report deals with how well the system had been performing.
- 3.7 The PSNI told the Inspection Team that one of the key transformation strategies that they were actively working on at the time of the inspection, was around the DoJ Digital Strategy. Inspectors were told that the lead (Digital Strategy) group had provided a good platform for greater synergy of approaches and allowed for better planning across justice organisations.

34 The four key priority areas were: access to justice; address harm and vulnerability; Early Intervention and Rehabilitation; and Tackling Sectarianism, Respect and Identity. *Department of Justice. Research Agenda 2021-2024, July 2021* available at <https://www.justice-ni.gov.uk/publications/departmental-research-agenda-21-24>.

35 Northern Ireland Executive, *Draft Programme for Government Framework 2016-21, May 2016* available at <https://www.northernireland.gov.uk/sites/default/files/consultations/newnigov/draft-pfg-framework-2016-21.pdf>.

36 DoJ Corporate and Business Plan 2023-24, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Department%20of%20Justice%20Business%20Plan%202023-24.pdf>

In terms of delivery the PSNI estimated for example, that there was a potential to release 200,000 police hours or £960,000 per year due to the combined efforts of all the justice agencies involved with Digital Evidence Management, remote evidence and digital statements.

- 3.8 This was a good example of how a key strategy can be delivered well across agencies, but as noted earlier in this report, it was significant that the pandemic had played the key driver in focusing the strategic direction of all those involved as aspects of the digital work had to be done – Courts, Police and Prosecutors all had to remain available regardless of the pandemic which required a joined up approach to reach a mutual goal for areas such as *Sightlink*, remote hearings and digital evidence exchange.
- 3.9 Although this aspect of the Digital Strategy had shown signs of successful rollout at pace, this was only one of the very many strategies and approaches across the justice system. For example, as mentioned previously, the roll out of the Body Worn Video digital strategy in June 2016 was developed as a police initiative and other criminal justice partners were still recovering from its development without their input. For example, the PPS reported that their workload had increased significantly with problems around sharing of video footage, password sharing and the sheer amount of video evidence that was sent to them. The NICTS had not initially been set up to view the footage easily although this had improved significantly by the time of inspection. The final Phase 3 of the system was implemented after the fieldwork stage of this inspection in October 2023, whereby the defence could access digital evidence without the need for physical discs to be produced. This provided stark relief to the centralised approach of the current Digital Strategy.
- 3.10 The PSNI were working on delivering the following key strategies that they considered transformative:
- Crime Prevention Strategy 2025 'Prevention First';
 - Horizon 2025;
 - Digital Strategy 2012 and Beyond;
 - Working Together;
 - DoJ Digital Justice Strategy 2020-2025;
 - Indictable case project;
 - Serious Sexual Offence Project; and
 - Disclosure Improvement Forum.
- 3.11 It was unclear from the PSNI how delivering these strategies provided a link across the criminal justice system other than some limited references to draft PfG deliverables and partnership working. As stated in Chapter 2, the Transformation Team were not routinely involved with the delivery of the many different strategies that police saw as transformational and confirmed to Inspectors that there was duplication of projects between branches.

Following the fieldwork in 2022 and draft report stages, the PSNI had conducted an independent review of governance arrangements within the PSNI with a report published in January 2023 and an implementation plan published in February 2024. This included recommendations for leadership and oversight of transformation including revised terms of reference, remit (which includes transformational strategies and projects that cross all organisational area), and leadership and management of the Strategic Transformation board. The PSNI Strategic Board had oversight of recommendation delivery.

OPERATIONAL RECOMMENDATION 1

The Police Service of Northern Ireland Strategic Transformation Board should continue to monitor and regularly review the leadership and governance of transformational strategies and projects across all organisational areas to maximise the benefits of centralisation, avoid duplication and ensure alignment with agreed strategic priorities.

- 3.12 The PPS provided details of the many strategies they were involved with. The focus of the PPS at the time of the inspection was continuing to deliver the core prosecution services of taking decisions and keeping Courts running and maintaining the health and safety of their staff during the pandemic. For example, Inspectors were told the Magistrates' Courts were running at 120% of normal capacity and at the same time, the LCJO and NICTS were driving down lists by the increased listing of cases, matched with additional recruitment. This could not be matched in kind by the PPS who did not have access to additional funding. Recovery funding had been made available through the DoJ. The DoJ advised that the PPS had received funding of £1.2m in 2021-22 and £1.3m in 2022-23 and 2023-24, in line with NICTS for the increased activity. This funding was short-term in nature and allocated on an annual basis. This had not resulted in an uplift to the PPS's baseline budget which meant that the PPS had to rely on the recruitment of temporary staff which hampered their recovery efforts and forward planning. The PPS Senior Management Team considered the delivery of wider strategic transformational plans could not be met under the current work and funding pressures.
- 3.13 The PPS Senior Management Team confirmed that pandemic recovery, Victims, Speeding-up Justice, Working Together and Case Management, Committal Reform and Digital Reform were all areas from which updates were given to the justice forums (CJIG for example). However, it was accepted that this had resulted in an exchange of updates from the internal delivery groups of which there were many. At CJB level, the PPS explained that there was an expectation that something was to be done between meetings but at times the many groups hadn't been able to agree the processes of how to get things delivered.

It was stressed to the Inspection Team that this was not down to the lack of goodwill by all the justice partners, and that individual relationships were described as good, but there needed to be greater focus and direction. For example, the DoJ were consulting on a strategy to tackle violence against women and girls, when the Northern Ireland Executive and the PSNI were also consulting on or developing separate strategies. The Executive Office and DoJ did hold joint consultation workshops. The PPS had formally requested that the CJB should agree strategic priorities so that they could all align and deliver their individual parts, however, there was an acceptance that there were no 'levers of power' to force such alignment either within the CJB or the DoJ without the consensus and agreement of all those on the Board.

- 3.14 The PPS 2030 strategy is now in place. The pressures, lack of focus and overall overload of strategies had forced senior managers to carry out a prioritisation delivery programme of the many strategic approaches that they were involved in. This meant that the most significant and transformational programmes were to be given a priority and a focus. This approach was in keeping with the single strategic recommendation of this report.
- 3.15 The NICTS informed Inspectors of the ongoing work on various groups tasked with the delivery of the many strategies. There was an acceptance that budgetary cuts had as much an impact on strategic direction than any of the work that was being developed through the various forums. The focus for the NICTS was said to be ensuring that benefits were demonstrated and realised for Court users. The LCJO's modernisation programme was said to align with that of the NICTS; however, this programme was only published in 2022 and was too early to assess the outcomes of these approaches.
- 3.16 There were several active programmes ongoing. The NICTS provided a current status list of how far they have come under the new strategic direction. This showed that the NICTS were in the early 'Initiation' stages, for example in Service Design, procurement exercises have been carried out, and in the Digital Strategy, pilot programmes for e-bundles and further ICT rollout and overall efforts to upgrade courtroom technology was ongoing. The delivery of strategic alignment in terms of modernisation, were ongoing and at initial stages for the continued operation of NICTS business.
- 3.17 The NIPS senior management confirmed to the Inspection Team that their focus was on delivering internal transformation. The *Prisons 25 by 25* Strategy had replaced the *Prisons 2020* strategy and added another key 'strategic pillar' titled 'Our Contribution' which sought to develop NIPS's wider impact within the criminal justice system.

3.18 The management team confirmed that they were on a 'transformation journey'. This was based on implementing numerous recommendations from the Owers Review³⁷ and that they were focused on delivering continual improvement. Digital transformation was seen to be a huge step forward in terms of all the criminal justice agencies working together for a common goal, with the NIPS benefiting from areas such as online classes, prisoner portals and electronic movements. The developments of *Sightlink* and remote evidence hearing were less impactful as video links had been in operation across the NIPS for some time, however the extension of use during the pandemic had reduced prisoner movement to and from Court venues. The Inspection Team agreed that the delivery 'transformation journey' was linked to the DoJ wider strategic delivery and was similar to the NICTS in that regard.

3.19 The YJA also provided a list of 29 working groups however Inspectors found there was more focus on wider interaction on external (to justice) partners including for example, the Safeguarding Board, Department of Education, mental health groups, social services as well as inward facing groups dealing with internal digital groups and internal improvement. There were some similarities in these outreach delivery plans with the NIPS with engagement on a wider justice system level that extended to Education and Health. However, there were more definitive efforts at an inter-departmental level to work together to remove young people from the criminal justice system as this formed part of a wider Northern Ireland Executive agreed initiative.³⁸ The youth justice system had provided a better example of strategies being agreed at a wider and higher level to affect transformation.

3.20 The PBNI provided the Inspection Team with a list of 14 groups that they sat on which hoped to deliver a wider transformation programme. Here are a sample of some of the groups, which included many of the same representatives from all the justice agencies:

- Causeway Management Board;
- Public Protection Arrangements Northern Ireland;
- Prison Population Oversight Group;
- Gillen Training Group;
- Remand Working Group;
- Women's Strategy Development Group; and
- Substance Abuse Court Quarterly meetings.

It was confirmed that the same people from criminal justice organisations usually attended many of these groups. When discussed with PBNI leaders, the Inspection Team were told that the PBNI had little influence over the wider strategic direction of the other justice partners and, much like the NIPS, their key aim was to deal with offenders on an individual basis as they were received at the end stages of the justice system.

³⁷ *Ibid* 3.

³⁸ More information is available at <https://www.nidirect.gov.uk/articles/youth-justice>.

- 3.21 On a more practical level, areas such as Problem Solving Justice³⁹, were seen as having the potential to be truly transformational and the PBNI were at the forefront of developing alternative approaches to reduce reoffending. This approach aimed at tackling the root causes of offending behaviour and reducing harmful behaviour within families and the community. There was a direct link to the draft PfG. Although the DoJ led this initiative, the PBNI was responsible for delivering on several problem-solving initiatives such as Substance Misuse Courts, Domestic Abuse and Enhanced Combination Orders.
- 3.22 The PBNI management team accepted that the delivery of these strategies was subject to the engagement of others outside the control of the PBNI such as the PSNI, the PPS, the LCJO, defence practitioners and victims and defendants. This reflected in part the lack of central control over these projects as discussed in Chapter 2 of this report. Furthermore, this was only one of 17 transformation strategies provided to Inspectors by the PBNI, which was only a fraction of the many other strategies that all the other criminal justice partners were involved with both at an internal level and externally with others.
- 3.23 The FSNI provided a list of 32 projects and working groups which were considered potentially transformative. These included areas such as Forensic Services Leadership Group, Criminal Justice Improvement Group, Safer Communities Directorate Senior Leadership Team, and DoJ Digital Justice Group. These represented everything from internal FSNI business to attending the wider strategic meetings that other justice agencies were also involved with. As with previous commentary, the delivery of these strategies was a varied mixed response to internal demands to continue to operate the 'as is' forensic model in difficult financial circumstances and at the same time accepting that FSNI had very little input and influence over the wider delivery of the many DoJ strategies.
- 3.24 FSNI reported that there had been some improvement in the engagement with other organisations and the forums provided a practical approach around an awareness and how various strategies impacted others across the criminal justice system. However, there were examples of FSNI not being included such as not being part of the Working Together project⁴⁰ with the police and prosecution, which Inspectors found surprising given that obtaining forensics within a reasonable timeframe continued to be a core central concern for the criminal justice system in Northern Ireland. In 2021, FSNI reported that, on average, 88% of forensic reports were available to Courts within 99 days; however, the average time was 657 days for Crown Court cases. A key block was attributed to the different levels of details required by different Courts over which they had no direct influence.

39 PBNI, Problem Solving Justice. Available online at: [Problem Solving Justice | PBNI](#).

40 Part of a CJI recommendation about how to better join up the criminal justice system to tackle Delay and File Quality. *CJI, File Quality and Disclosure, November 2015* available at <https://www.cjini.org/getdoc/72d9e88c-9c4f-412f-bebe-9ab1b6716b2b/File-Quality-and-Disclosure>.

- 3.25 As with the other criminal justice organisations interviewed in this inspection, FSNI accepted that the same people were meeting and reporting on similar projects and there was a lot of duplication. Senior staff argued however that given the relatively small size of FSNI, it made sense to have similar people and where there were overlaps that they had all relevant information to hand. The CJIG had provided FSNI a platform to share information and the potential to align strategic approaches. This approach, they hoped, would improve their visibility and relevance which they felt was an area that needed improvement.
- 3.26 Overall, the delivery mechanisms when aligned with the vast numbers of project groups made the monitoring of overall progress difficult for the Inspection Team as no one part of delivery could be directly evidenced as having a significant impact on transformation. It was more appropriate to consider the approach as a sum of all the working parts as being transformative. The Inspection Team felt that this was too vague and lacked direction. It was accepted by all those interviewed that there was a large degree of duplication in the groups and sub-groups that were tasked to deliver the many strategic goals. Therefore, CJI recommend that:

OPERATIONAL RECOMMENDATION 2

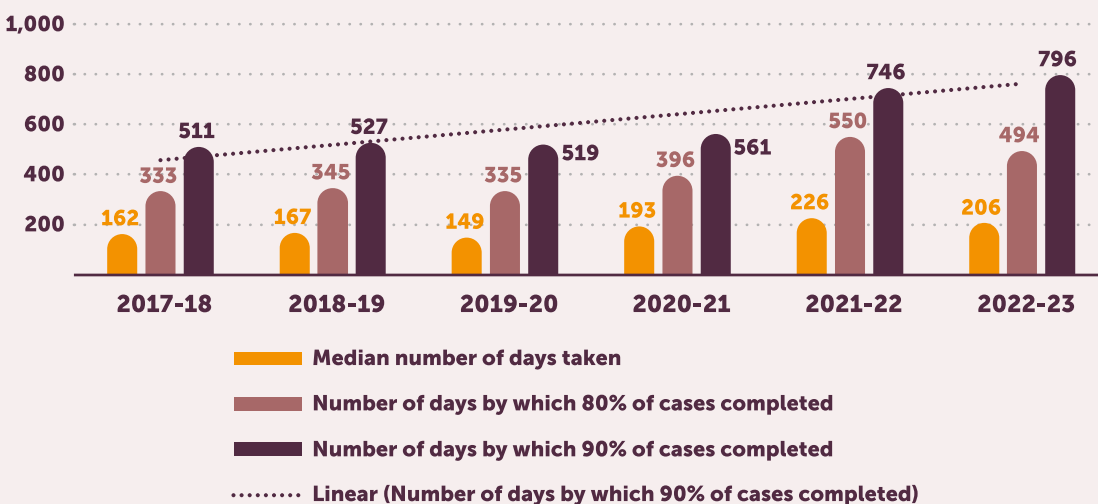
Within six months from the publication of this report the Department of Justice, members of the Criminal Justice Board, the Director General of the Northern Ireland Prison Service and the Chief Executives of the Probation Board for Northern Ireland, the Youth Justice Agency and Forensic Science Northern Ireland should review the purpose and membership of existing programme and project boards, working groups and other fora with the aim of reducing duplication to release capacity. This should be aligned with the prioritisation outlined in this report's Strategic recommendation. Appropriate staff resource capacity and skills required for meaningful participation and decision-making authorities should also be considered.

- 3.27 The Inspection Team examined some of the data that was available to show how well the strategic approaches had been performing over the last number of years.

CHAPTER 4: OUTCOMES

- 4.1 There have been long-term objectives to reduce offending/reoffending rates, tackle avoidable delay, improve access to justice and overall performance of the justice system. There were many sources of statistics from the justice partners that provide insight into agreed performance objectives set out in corporate and business plans. However, as discussed in Chapter 2, many of these are aimed at achieving internal targets and, with different accountability mechanisms, to a range of oversight bodies including the NIPB, the DoF and DoJ. Inspectors looked at statistics in terms of overall change and progress over the number of years to see whether there had been a discernible improvement.
- 4.2 The DoJ monitors performance on an 'end-to-end' basis from the report of a crime to the end of a case where victims (where appropriate) had a resolution of some sort regarding the crime committed. This could be Court disposal/sentence or dealt with at the early stages of an investigation. Figure 1 shows the case processing times for criminal cases during the period between 2018 to 2023, which included the pandemic period.⁴¹

Figure 1: Average number of hearings per case in adult Magistrates' Courts



- 4.3 These times did not fully reflect that some cases, including the more serious cases, can take a significantly longer time to be completed. The data demonstrated that, the length of time taken had been increasing until the latest yearly results in 2022-23.

⁴¹ DoJ, Case processing time for criminal cases dealt with at courts in Northern Ireland, 2022-23 available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Case%20processing%20times%20for%20criminals%20dealt%20with%20in%20court%202022-23.pdf>.

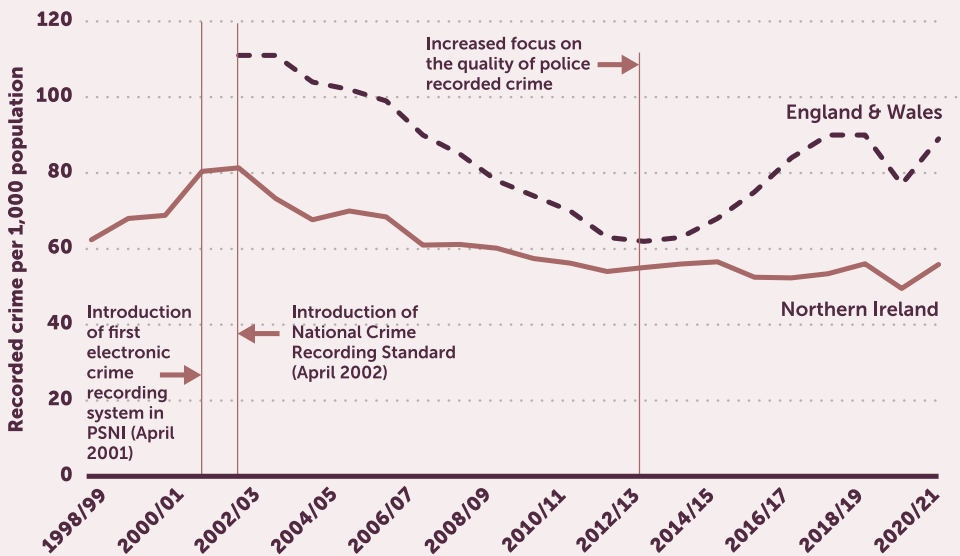
This data was an indicator that the strategic approaches to tackle delay had not resulted in a material improvement in time taken, and that the pandemic had a further negative impact on how long it was taking cases to be dealt with on an end-to-end basis. The median time taken for a case to be disposed at Court from the date the incident was reported across all Courts was 226 days in 2021-22 and 206 in 2022-23. The baseline set in 2014 by the DoJ was 143 days.

- 4.4 Comparing these figures to other jurisdictions was difficult because the processes on how cases were progressed through the criminal justice system were different. For example, in England and Wales, the police made a significant number of decisions on volume crime cases with the support of Prosecutors who were available for support in charging more complex cases. Other cases were referred to the Crown Prosecution Service as the prosecuting authority, which was how all cases were dealt with in Northern Ireland. The Ministry of Justice had begun experimental measurement of the end-to-end process in England and Wales.⁴² A snapshot of this data showed that the median time taken from the commission of an offence to completion in the Magistrates' Court was 89 days in the second quarter of 2022. At the Crown Court, the median time for completion of all cases was 378 days in the same timeframe. Although, a crude comparison, the criminal justice system in England and Wales appeared to have significantly less delay than in this jurisdiction.
- 4.5 The Inspection Team considered these end-to-end rates alongside the overall recorded crime rates, prosecution decision times and Court times.

Overall crime rates

- 4.6 Figure 2 shows trends in police recorded crime⁴³.

Figure 2: Police Recorded crime per 1,000 Population in Northern Ireland



42 Ministry of Justice, *Criminal Court Statistics Quarterly: April to June 2022, September 2022* available at <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2022/criminal-court-statistics-quarterly-april-to-june-2022--2#timeliness>.

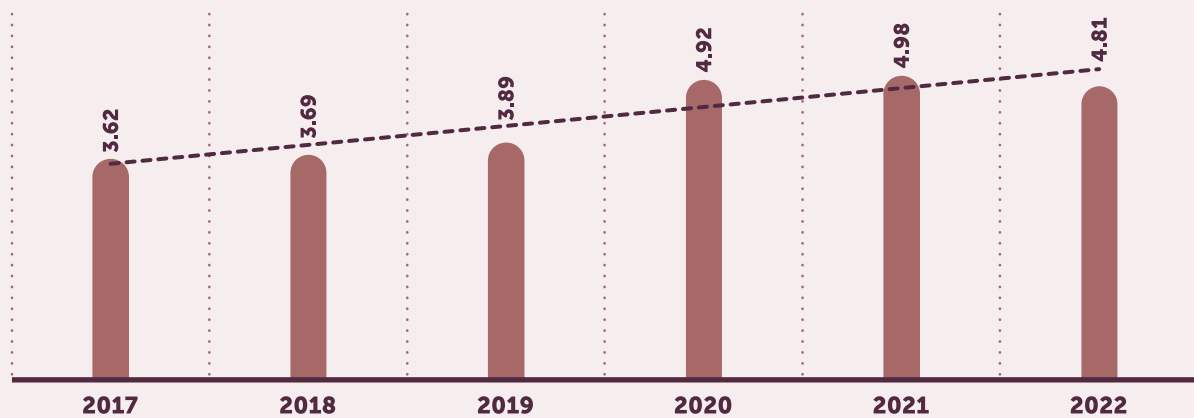
43 PSNI, *Police recorded Crime Statistics* available at <https://www.psni.police.uk/about-us/our-publications-and-reports/official-statistics/police-recorded-crime-statistics>.

4.7 Crime rates had been on a downward trend between 2002-03 and 2016-17, falling by nearly 30% after which there was a three-year increase to 2019-20. More recent Police Recorded Crime data for 2023-24 shows a - 6.3% reduction compared with the previous 12 months.

Court rates

4.8 The NICTS released monthly updates on the recovery progress for Magistrates' Courts criminal business. As an example of how well the system was performing in light of the many strategic approaches, Figure 3⁴⁴ charts the average numbers of hearings per case in the adult Magistrates' Courts.

Figure 3: Average number of hearings per case in adult Magistrates' Courts

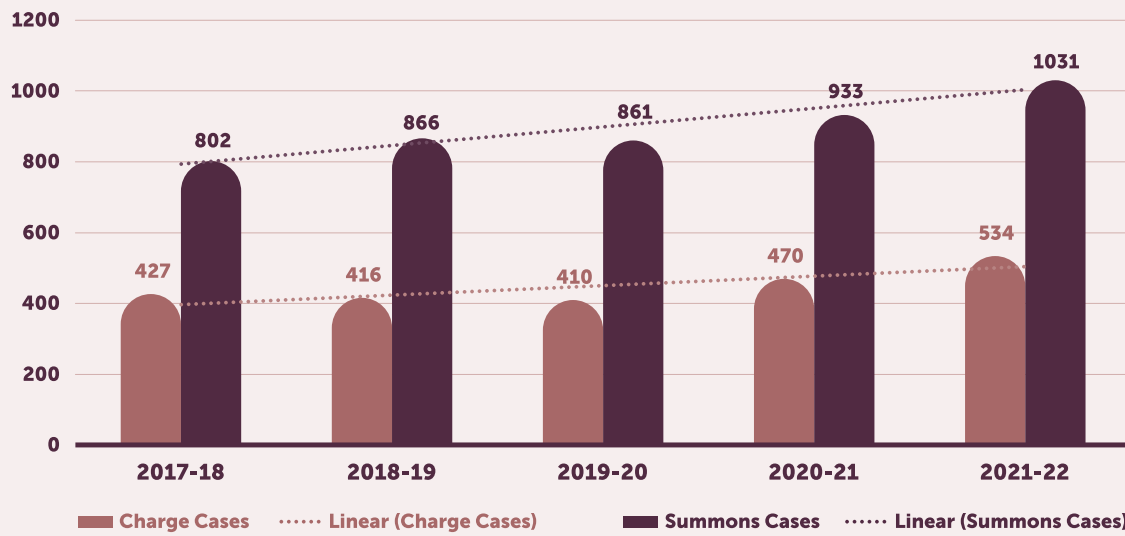


4.9 This showed an increase in the number of hearings that took place before a case was being resolved. There were many reasons given by those interviewed that cases were perceived to be adjourned either without good reason due to an application by the defence or because of the lack of file readiness (file quality/prosecution team issues). However, it was clear that the system was not transforming for the better.

4.10 The DoJ provided the Inspection Team with data on average time taken in Crown Court cases at Court from 2017-22 in Figure 4.

44 Data provided by NICTS at the time of writing.

Figure 4: Average days taken to conclude Crown Court cases



Source: DoJ

4.11 Figure 4 demonstrated that there had been little progress in the time taken to conclude cases up until the pandemic, at which point delays had increased significantly. The DoJ advised the Inspection Team that the Magistrates’ Court cases could be ‘recovered’ by 2023 with 115% throughput of cases, but this required further funding. This was amended to 115% by August 2025 at the time of publication. They also stated that Crown Court recovery would take two years, up to early 2024 with 115% throughput of cases, 2027-28 at 105% and beyond without further investment. This was to place the system back to the pre-pandemic levels. The Inspection Team considered this was not sufficiently ambitious and that this approach only resulted in the system being back to an accepted poor level. This approach had not been agreed with the criminal justice organisations for example, the PPS had indicated to Inspectors that they did not have sufficient funding to deal with the increase in demand from Courts.

4.12 There were some positive outcomes as discussed previously, by the demand brought about by the pandemic such as the fast-tracking for allowing remote evidence without the need for witnesses or defendants to attend a Court when not needed. However, the Inspection Team was concerned that these were temporary measures and that without sufficient support at a Northern Ireland Executive level, that small strategic gains such as these may be short lived. One of the most significant strategic developments had been how young people were dealt with in the criminal justice system.

Early intervention and Youth Justice – an example of the possible

4.13 Youth conferencing was established in Northern Ireland as an outcome of the Good Friday/Belfast Agreement and the Criminal Justice Review report⁴⁵. The Criminal Justice Review Group looked at different systems of restorative justice in other parts of the world, especially in New Zealand, and recommended that *'restorative justice should be integrated into the juvenile justice system and its philosophy in Northern Ireland, using a conference model, based in statute, available for all juveniles ...'*

4.14 The Youth Justice Review report published in 2011 followed on from the Criminal Justice Review and provided key areas for all the justice organisations to work together to put the interests of the child first and keep young people out of the justice system. Key Departments and agencies that play a major role in children's lives, including Health and Education as well as Justice were involved, and this was backed by the Northern Ireland Executive at the time and more recently in the *Young Person's Strategy 2020-2030*⁴⁶. The DoJ also published details of a new *Strategic Framework for Youth Justice 2022-27*⁴⁷, cementing the long-term strategic commitment to prioritise this area.

4.15 This strategic direction was rooted in integrated services from prevention and early intervention support for families, safeguarding and through to helping young people recover from instability, abuse and violence. This was made possible by all justice partners and interdepartmental support, focusing on one overall objective. Although there needed to be more rigorous monitoring by the YJA and independent research of all the factors that have influenced the increase in positive outcomes for young people in Northern Ireland, the improvements have been notable. Over a 10-year period overall headlines⁴⁸ included:

- a 54% reduction in the number of children entering the justice system for the first time for offending behaviour, from 1,555 children in 2011-12 to 710 children in 2019-20;
- a 59% reduction in the number of children dealt with by the Youth Courts, from 3,023 in 2011 to 1,256 in 2019;
- a 61% reduction in the daily average number of children held in custody, from 28 in 2011-12 to 11 children in 2020-21; and
- a decrease of almost 12% in the YJA Court ordered referrals to Youth Justice Services as a proportion of all their referrals, from 34.6% in 2016-17 to 22.8% in 2020-21, and an increase in the proportion of Earlier Stage Diversions, from 6.4% in 2016-17 to 20.2% in 2020-21.

45 Criminal Justice Review Group, *Criminal Justice System Review Report*, 30 March 2000 available at <https://cain.ulster.ac.uk/issues/law/cjr/report30300.htm>.

46 Northern Ireland Executive, *Children and Young People's Strategy 2020-2030 for Northern Ireland January 2021* available at <https://www.northernireland.gov.uk/node/49351>.

47 DoJ, *Strategic Framework for Youth Justice, March 2022* available at <https://www.justice-ni.gov.uk/publications/strategic-framework-youth-justice>.

48 *Ibid* footnote 26.

- 4.16 The strategic direction for youth justice was a good indication that with a joined-up, focused approach, controlled at a single strategic source, it was possible that significant long-term goals could be reached.
- 4.17 The DoJ's *Digital Strategy* also had the potential to deliver real transformation but there was a concern that further budgetary pressures and a lack of a functioning Northern Ireland Executive (until it was restored in February 2024) would delay progress. Of course, organisations need technology that supports their business processes and services, however, the fragmented approach for development and re-procurement of line of business systems across the criminal justice system with different suppliers and contracts can hamper opportunities for better cohesion and efficiencies. The review of the Causeway Services and development of the NICTS Themis programme may offer opportunities to deliver more collaboration and benefits across the criminal justice system.
- 4.18 The significant investment in ICT across the criminal justice system including line of business processing and case management systems, data sharing, video links, evidence presentation and a move towards digital towards digital files was necessary and welcome. However, opportunities for system synergy, collaboration and consideration of the 'domino effect' on other criminal justice organisations could have been better recognised and efficiencies maximised. Key criminal justice outcomes such as avoidable delay and services for victims and witnesses had remained largely unchanged despite the enumerate strategic approaches for transformation particularly given the disparate nature of the multitude of strategies outlined in this report.
- 4.19 The DoJ *Victim and Witness Survey 2022-23*⁴⁹ compared results with findings from the 2019-20 survey, highlighting some overall satisfaction concerns:
- compared with 2019-20, there were significant reductions in the proportions of respondents, both at overall and at witness level, who reported having been satisfied with the information they had been given about the criminal justice system. Overall, the proportion satisfied fell from 75% to 68%;
 - 56% of respondents overall (52% of victims and 60% of witnesses), reported being satisfied with how well they had been kept informed about the progress of their case; and
 - 68% of respondents (60% of victims and 74% of witnesses) reported being satisfied with the contact they had with the criminal justice system; the 68% of respondents satisfied at overall level represented a significant fall on the equivalent figure of 73% satisfied in 2019-20.
- 4.20 The single Strategic Recommendation of this report seeks to create a prioritised and meaningful transformation programme for the CJB to oversee and ensure better outcomes for those in the criminal justice system.

49 DoJ, *Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key findings – 2022-23, August 2023* available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Victim%20and%20Witness%20Experience%20of%20the%20Northern%20Ireland%20Criminal%20Justice%20System%20-%20Key%20Findings%20-%202022-23.pdf>

APPENDIX 1: METHODOLOGY

DESKTOP RESEARCH AND DEVELOPMENT OF INSPECTION TERMS OF REFERENCE AND QUESTION AREAS

Research literature and strategic documentation from the inspected organisations was reviewed in relation to the Transformation of Justice. A Terms of Reference was developed and agreed with the inspected organisations.

Document review

The organisations were asked to provide documents showing Transformation Strategies and Projects. A review was undertaken of the documentation provided to cross-reference information against those interviewed.

Fieldwork

Interviews were conducted with a range of criminal justice system leaders, most of these were between July 2021 and August 2022. One-to-one and focus groups interviews were also conducted with a range of personnel within the relevant agencies. Further document reviews and updates were undertaken after the inspection was paused for other priority work, following factual accuracy check with inspected organisations and as the draft report was developed.

Stakeholder consultation

Stakeholders who have an interest in transformation of criminal justice were consulted.

CJI Inspectors met with representatives from the following organisations.

DoJ

- Justice Performance;
- Justice Delivery;
- Criminal Justice Policy; and
- Reducing Offending.

PSNI

- Assistant Chief Constable and Chief Superintendents, senior officers in Justice Department and Crime Prevention; and
- Head of Police Service Transformation Team.

PPS

- Director of Public Prosecutions; and
- Deputy Director of Public Prosecutions.

NICTS

- Senior Management Team representatives; and
- Operational Policy Branch.

Reducing Offending Directorate

- Reducing Offending Director and NIPS Director General (DoJ); and
- YJA Chief Executive.

PBNI

- Senior Leadership Team.

FSNI

- Senior Management Team.

LCJO

- Representatives from the LCJO.

Law Society for Northern Ireland

- Legal representatives for criminal lawyers.

CJIG

- Attendance with all criminal justice representatives at CJIG meetings.

APPENDIX 2: **TERMS OF REFERENCE**

CJI INSPECTION - TRANSFORMING JUSTICE TERMS OF REFERENCE

Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of how the criminal justice system works together in Transforming Justice.

The main organisations to be inspected will be the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, the Northern Ireland Courts and Tribunals Service, the Probation Board for Northern Ireland, the Northern Ireland Prison Service, the Youth Justice Agency and Forensic Science Northern Ireland. For the purpose of these Terms of Reference (ToR) they are referred to as the criminal justice system operational organisations. However, the Department of Justice (DoJ) is central and key to Transforming Justice and the inspection will incorporate their role in providing strategic direction, governance and co-ordination. The inspection will focus on strategic co-operation and arrangements between the criminal justice system operational organisations and how effective these are at supporting system wide transformation.

Context

Transforming Justice requires effective planning, resourcing and development of policies and strategies that address key issues across the criminal justice system, rather than focus on single organisational priorities and improvement agendas. Organisations are required to work collaboratively on an agreed vision to improve services and achieve better outcomes by making a tangible difference to the effectiveness and efficiency of the criminal justice system. A collaborative strategic approach enables organisations to align shared priorities and at the same time meeting their own individual corporate objectives. The outcome should be improved experiences for service users, their staff and the public with a focus on the system working as a system with an end-to-end criminal justice process.

Aims of the Inspection

The aim of the inspection is to examine the collaborative strategic approaches across the criminal justice system in Northern Ireland to secure system transformation and improvement.

The objectives of the inspection are to:

- examine the cohesiveness and effectiveness of DoJ and criminal justice system organisational transformation strategies and programmes;
- examine the effectiveness of the governance arrangements in place;
- examine and assess the actions and outcomes of Transforming Justice against targets and expectations;
- examine how the strategy, governance and outcomes of Transforming Justice in Northern Ireland are benchmarked against good practice; and
- make recommendations for improvement and identify areas of good practice.

Other matters of significance as they arise during inspection will also be considered. This inspection will be a high-level review across the criminal justice system, it will not be an inspection of individual projects.

Methodology

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

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

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. The CJI inspection methodology can be found at www.cjini.org⁵⁰.

Research and review

Collection and review of relevant documentation such as previous inspection and other reports, DoJ and criminal justice system operational organisation strategic documents, policies and procedures, management information, data, minutes of meetings and related documentation.

Fieldwork

- In conducting the inspection CJI will comply with Northern Ireland Assembly regulations and guidance to control the spread of COVID-19 as appropriate at the time of the on-site fieldwork.
- Terms of Reference will be prepared and shared with each organisation prior to the commencement of the inspection. Liaison Officers from each criminal justice system operational organisation should be nominated for the purposes of this inspection.
- Criminal justice system operational organisations will be given the opportunity to complete a self-assessment of their approaches to dealing with Transforming Justice and any management or other information deemed relevant.

50 Available at <https://www.cjini.org/SearchResults.aspx?searchtext=benefits&searchmode=anywordorsynonyms>.

- Interviews and focus groups will be conducted with the criminal justice system operational organisations, the DoJ and relevant stakeholders to give an insight into the key issues.
- Progress in the development of management information and performance management data will be examined.
- Evidence of planning and decision-making leading to performance improvement and recognition of future development will be gathered.
- Where appropriate benchmarking and identification of best practice within and outside Northern Ireland.

Feedback and writing

Following completion of the fieldwork and analysis of data a draft report will be shared with the criminal justice system operational organisations and the DoJ for factual accuracy check. The Chief Inspector will invite each organisation 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 each inspected organisation.

Inspection publication and closure

- The final report was initially scheduled to be completed in late 2021, however, the pausing and recommencement of this inspection has significantly impacted on that timeline.
- A report will 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 each organisation prior to publication and release.
- A suitable publication date will be agreed and the report will be issued.

**Criminal Justice Inspection
Northern Ireland**
a better justice system for all



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