



Department of
Justice

www.justice-ni.gov.uk

**Research into the criminal justice experiences of
victims of Sexual Violence and Abuse**

Department of Justice response

November 2017

Table of Contents

	Page Number
Foreword	3
Section 1: Background	4
Section 2: Issues raised	9
Section 3: Department of Justice position and response	11
Section 4: Action plan	28

Foreword

Lives can be turned upside down when someone experiences the impact of a crime, particularly if the crime relates to sexual violence and abuse. It is therefore crucial that victims receive high quality services which help and support them as they participate in the criminal justice system and engage with criminal justice organisations.

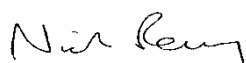
This research is part of a programme of research set out in the 2013-2018 victim and witness strategy. Its purpose is to listen to the experience of victims, identify areas where improvements could be made in the treatment of victims within the criminal justice system and for the Department of Justice and criminal justice organisations to take action to address the issues raised so that future victims have a more positive experience in their criminal justice journey.

I want to thank all those who took the time to contribute to this research. Your story is important and sharing your experience is a valuable tool to help improve the system for others. Hearing the experience of victims first-hand has been invaluable in helping to develop service provision for victims. I appreciate that it may not have been easy to think back to a difficult time in your life, but I hope that by participating in this research you have taken another positive step forward in your journey of recovery.

I want to see a criminal justice system where services are consistently provided to the highest of standards. I am pleased to note the many positive experiences and complimentary comments made within the research about victim's contact with key criminal justice service providers. However, the research also highlights that there are areas where further improvement could be made. My Department and criminal justice organisations will take steps to address the actions identified in this research.

In addition to progressing the actions from this research, work continues to tackle sexual violence and abuse through *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland – A Seven Year Strategy*. This strategy is built around five key strands: Leadership, Prevention, Support, Services and Justice. I want to see a society in Northern Ireland in which domestic and sexual violence and abuse is not tolerated, effective tailored preventative and response services are provided, all victims are supported and perpetrators are held to account. The actions being taken forward in this strategy is working towards this vision.

I hope to see real improvements across the board for victims of sexual violence and abuse as actions from this research are implemented and as work is completed through the strategy.



Nick Perry
Permanent Secretary

Section 1: Background

1.1 Victim and Witness strategy commitment

- 1.1.1 The context of this paper, similar to the research that has previously been undertaken with families bereaved through murder, manslaughter and culpable road death and victims of domestic violence and abuse, is the five-year victim and witness strategy, *Making a Difference*.¹ That strategy, as well as the new three year victim and witness action plan 2017/2020, sets out a range of steps to improve the experience of victims and witnesses as they move through the criminal justice system. This includes obtaining the views of victims and witnesses about their experience of the criminal justice system, and subsequently using this to review and improve the services that are provided. This paper deals with, and responds to the issues raised during research with victims of sexual violence and abuse. Research was also undertaken during 2016/17 with young victims of crime.
- 1.1.2 At present, the views of a representative sample of victims and witnesses are obtained through the Northern Ireland Victim and Witness Survey (NIVAWS). However, this telephone survey does not apply to certain victims, due to the seriousness of the crime or sensitivities involved. This includes the types of victims that are referred to above.

1.2 Research programme

- 1.2.1 With this in mind, over the timeframe of the five-year strategy and the new three year victim and witness action plan, the Department of Justice has and will continue to listen to the experiences of the victims set out above, as well as seek views more generally through NIVAWS.² The research that has been undertaken to date has demonstrated valuable insights into the experience of victims of more violent and sensitive crime types, highlighting commonality between the groups as well as areas in which there have been distinct experiences attributed in part to the specific crime type. While it is hoped that the lessons learnt from the research will benefit future victims of these crime types, it is also evident that the range of issues raised are relevant, and can be applied, to all victims of crime more generally.
- 1.2.2 The research into the experiences of victims of sexual violence and abuse also reaffirms the value of hearing and considering the views of those who have been subject to crimes that no one should have to experience. The Department, along with our criminal justice and voluntary sector partners, will continue to work to ensure that the views of those subject to crime can be considered and taken account of in reviewing current, and determining future, policy. The Department also hopes to shortly publish the outcome of research into the criminal justice experience of young victims of crime, some of whom were also victims of sexual violence and abuse. An associated response paper and action plan will also be made available.

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

² The most recent survey results can be found at www.justice-ni.gov.uk/sites/default/files/publications/justice/nivaws-2016-17-bulletin.pdf

1.2.3 This report provides a brief overview of the experiences set out through the 12 interviews that were undertaken with sexual violence and abuse victims (7 female, 5 male), as well as the issues raised, before setting out:

- what changes have been introduced in the period since the cases in hand were dealt with;
- what changes are to be introduced, or are already underway, to take account of the issues raised;
- scoping work that will be carried out to ascertain the potential for further change in the medium term, while taking account of the increasingly restricted financial position that service providers in the criminal justice system are facing and will continue to experience in the coming years. This includes the work that is separately being taken forward as part of the seven year 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland' strategy;³ and
- those areas in which greater clarity can be provided to explain the rationale for the way in which the system operates.

1.2.4 Further details on the findings from the research can be found in the summary paper.⁴ The justice website contains the summary research paper, the response paper and the associated action plan. This response paper reflects the high level themes that are contained within the summary paper as well as relevant material highlighted in the in depth interviews that were undertaken.

Relevance of the research to victims of crime more generally

1.2.5 While the individuals who participated in this research were affected by a specific type of crime, that is sexual violence or abuse, it is considered that a number of the findings can beneficially be applied to victims of crime more generally. Other measures will be specific to those who have been victims of sexual violence and abuse. Typically, this reflects the experience of the other research that has been undertaken to date.

1.3 Time period for the research and developments since then

1.3.1 Interviews for the research were conducted during 2015. They all involved cases of historic sex abuse. Given that changes have been, and will continue to be, made to the criminal justice system with a view to improving the services provided to victims of sexual violence and abuse some of these developments should and will help address a number of the issues that have been identified in this research.

³ www.health-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-strategy

⁴ www.justice-ni.gov.uk/articles/research-victims-sexual-abuse-and-violence

Victim and Witness Care Unit

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

Victim Charter

- 1.3.4 A Victim Charter was placed on a statutory footing in November 2015, accompanied by a range of supplementary documents – including a summary Charter, easy read guide and young person’s guide to the Charter.⁵ The Charter is intended to raise the bar, in terms of the services available to victims of crime, by providing victims with relevant information and clearly setting out what they can expect as they move through the criminal justice system. The Charter sets out:
- what victims can expect when reporting a crime;
 - information that will be provided on a decision to prosecute;
 - what services are available when attending court and giving evidence;
 - how to receive information when an offender is released;
 - information on services to support victims on their journey through the criminal justice system and access to these;
 - how to claim compensation;
 - where to obtain further information if needed;
 - what to do if a victim is not happy with the service that has been provided; and

⁵The Victim Charter and associated documentation can be found at www.justice-ni.gov.uk/publications/victim-charter.

- contact numbers and helplines for victims of some of the more serious crime types such as murder, manslaughter and culpable road death; domestic violence and abuse; sexual violence and abuse; trafficking; and hate crime.
- 1.3.5 To complement the Charter, a Victim of Crime information leaflet⁶ has been available since December 2014. This should be given to all victims of crime by the police (or information provided on where it can be found), setting out information on key stages of the process and highlighting where further information can be obtained. This covers:
- reporting a crime;
 - the police investigation;
 - support services;
 - victim personal statements;
 - going to court as a witness;
 - restorative justice;
 - convictions, sentence, release and supervision of offenders;
 - compensation services;
 - complaints; and
 - entitlements under the Victim Charter.
- 1.3.6 The leaflet also includes reference to specialist support services, including for victims of sexual violence and abuse.
- 1.3.7 To ensure the Victim Charter is as accessible as possible, the Department has produced a summary document, an easy read version and a young person's guide to the Victim Charter. A small credit card sized Victim Charter card, setting out key rights and contact details for Victim Support NI, is available at the offices of criminal justice organisations as well as a range of voluntary sector support offices. The card has also been disseminated to a range of other public sector facing bodies.
- 1.3.8 More generally, the Department is currently reviewing the current guide to the criminal justice system and has prepared a Witness Charter, setting out the entitlements of and standards of service for witnesses of crime. The Witness Charter was made available at the start of April 2017, on an administrative basis. Similar to the Victim Charter it will be placed on a statutory footing, as soon as the necessary legislative mechanism becomes available.⁷

Serious Crime Unit

- 1.3.9 On 4 January 2016 the Public Prosecution Service set up a Serious Crime Unit. The Unit deals with a range of the most serious offences including murder/manslaughter, human-trafficking, prostitution, female genital mutilation and all sexual offences, both recent and non-recent. The Unit

⁶ www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf

⁷ www.justice-ni.gov.uk/publications/witness-charter

includes a team of 10 Senior Public Prosecutors, assisted by a Detective Sergeant from the police who has also been appointed as the dedicated PSNI/Public Prosecution Service Liaison Officer for the Unit. Since commencing business, the Serious Crime Unit has provided greater resilience and ensured consistency of approach, has increased the scope for specialisation and sharing of best practice in relation to the decision making and management of sexual offence cases and provided enhanced communication with victims of sexual crime.

Sexual and Domestic Violence and Abuse Strategy

- 1.3.10 A seven year 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland' strategy was published in March 2016 by the then Health and Justice Ministers. This strategy is intended to tackle both domestic and sexual violence and abuse, as well as having a society in Northern Ireland in which domestic and sexual violence is not tolerated. A further aim of the strategy is to have effective tailored preventative and responsive services, with victims supported.
- 1.3.11 A first year implementation plan was published, setting out a range of outcomes and actions to be progressed during 2016/17.⁸ A second implementation plan has been prepared.

Future work

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

⁸ www.health-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-strategy

Section 2: Issues raised during the research

- 2.1 The research involved interviews with 12 victims of sexual violence or abuse (five male, seven female). All cases were historic child abuse cases. A summary paper on the research can be found on the Department of Justice website.⁹
- 2.2 Overall, the research highlighted very positive feedback in relation to the services provided by Nexus, Victim Support NI and Women's Aid (where the sexual violence or abuse involved a domestic element).
- 2.3 In terms of the police a range of views were expressed, with the majority of participants providing positive feedback in relation to the professionalism of the police in handling the incidents and taking their statement. There were more mixed views with regard to the speed of the police response and how victims were kept updated on developments related to the case.
- 2.4 Views were mixed in relation to the experience with the Public Prosecution Service; some participants provided positive comments or had no material comments to make on the service. Other participants were critical of the approach of Counsel, including how they dealt with victims. A number of participants also raised issues around the legal representation itself.
- 2.5 There were relatively limited comments in relation to interactions with the Northern Ireland Court Service staff, most likely given that dealings at court will have been primarily with the Public Prosecution Service and Victim Support NI. There was also limited comment in relation to the service provided by the Probation Board for Northern Ireland, which is not unexpected given that less than half of the cases involved a sentence or probationary term.
- 2.6 Some of the areas of concern focused on the treatment by criminal justice professionals (particularly Counsel at court), the privacy provided for victims when discussing their case, delays in the system and sentencing of offenders. The issues raised can be broadly categorised under the following headings:
 - Engagement with, and updates from, the police;
 - Awareness of available services, including the Victim and Witness Care Unit
 - Engagement with Public Prosecution Service (including Counsel);
 - Practical issues at court (seating arrangements);
 - Support services, including at court;
 - Delay and adjournments;
 - Victim personal statements and victim impact reports;
 - Sentencing;
 - Victim information schemes; and
 - Miscellaneous issues.

⁹ www.justice-ni.gov.uk/articles/research-victims-sexual-abuse-and-violence

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

Section 3: Department of Justice's position and response

- 3.i This section looks at the issues raised during the research and sets out the Department's response, making reference, where appropriate, to changes that have been introduced in recent years (or are scheduled to be introduced in the near future) that should help to deal with some of the issues raised during the research. This includes the introduction of a sexual assault referral centre (the Rowan), the establishment of a serious crime unit in the Public Prosecution Service, the seven year sexual and domestic violence and abuse strategy and the Victim Charter being placed on a statutory footing in 2015. The Department is also funding management and training costs for a pilot ISVA service, being delivered by Victim Support NI and which is running from April 2016 to September 2018. While some of these changes will specifically improve the services provided to victims of sexual violence and abuse others also apply to, or will have wider benefits for, victims of other crime types or victims of crime more generally.
- 3.ii The associated action plan sets out the actions that will be taken forward to address the issues raised, where these are not considered to have been dealt with through recent or pending policy changes. Both the response paper and action plan have been prepared by working alongside our statutory and voluntary sector partners in the criminal justice system.

3.1 Engagement with, and updates from, the police

Contact with police officers

- 3.1.1 The majority of interviewees were positive about the professionalism of the police in handling their incidents, acknowledging that they had been treated with sensitivity and respect. However, a small number of participants in their case felt that the police had been indifferent, showed a lack of empathy or tried to discourage them from taking their case forward. Some participants also commented that the police hadn't taken their case seriously, had a very blasé attitude and that there was also a lack of respect.
- 3.1.2 In some cases concern was also expressed about how participants were treated by 'uniform officers' who initially dealt with the case, before it was considered by a specialist unit. It was considered by these participants that the issue of sexual violence and abuse should be dealt with by specialist teams. A number of respondents also felt that as their case related to historical sexual abuse that the importance of this was minimised.
- 3.1.3 PSNI Public Protection Branch was established in 2015. With its establishment a central referral unit was also formed. This has created a central point for referrals of all suspected or confirmed child sexual abuse. A joint social services/police assessment is undertaken at this point and appropriate safeguarding measures, if deemed necessary, are put in place. Specially trained officers investigate crimes of this nature.

3.1.4 Provision is also made within the Victim Charter, which was placed on a statutory footing in November 2015, setting out the standard of treatment for victims. This entitles victims to be recognised and treated in a courteous, dignified, respectful, sensitive, tailored, professional and non-discriminatory way by those that provide services under the Charter, which includes the police.

Response times

3.1.5 There was mixed feedback about the speed of the police response following reporting an incident. Some participants had positive experiences with a very quick response from the police. However, some participants were less impressed with response times, with one participant experiencing a 3-4 hour wait before getting to speak to an officer and others experiencing lengthy delays between reporting the incident and being interviewed.

3.1.6 The Victim Charter entitles victims to have an interview or any questioning take place as soon as possible (that is, without unjustified delay) after they report the crime to the police. The police will respond to victims in a timely manner. However, in those instances where it is deemed there is an immediate risk posed to that victim, or other potential victims, or where there is a likelihood of forensic recovery, these cases will take priority.

Privacy

3.1.7 Generally no issues were raised in relation to where/how information was provided. However, one participant expressed concern regarding a lack of privacy with regard to where interviews were undertaken and where updates were provided. While it is not possible to comment on the case in question, it should be noted that the Victim Charter, which was placed on a statutory footing in September 2015, provides that any written statement is to be taken at a suitable location. Where the victim is deemed to be vulnerable or having particular needs the interviews are to be carried out in premises designed or adapted for that purpose.

3.1.8 PSNI policy is that all interviews of victims are required to be conducted in a suitable environment. For example, the Rowan or other specialist interviewing facility. Specialist portable equipment is now also available to allow, in certain situations, for victims to have their interview recorded in other premises, for example, hospital. More generally, officers are required to be sensitive to the needs of victims, as well as to the rules of confidentiality, in terms of victim updates.

Signposting to support services

- 3.1.9 Participants recalled that the police had signposted them to support services in a small number of cases. A key aspect of the criminal justice process is ensuring that victims are aware of support services that are available to them. In order to provide for this the process of being advised of support services was changed. When a crime is reported to the police, victims should be provided with a victim of crime information leaflet, which provides crime reference information (to include basic details of the incident) as well as information on the key stages of the criminal justice process. The leaflet also includes details of a range of support services that are available, including both the general services provided by Victim Support NI as well as specialist services for a range of specific crime types. This includes information on the 24 hour domestic and sexual violence helpline, the Rowan and Nexus counselling service.
- 3.1.10 The Rowan is located on the Antrim Area Hospital site and provides a bespoke and unique service, co-funded by the Department of Health Northern Ireland and the Police Service of Northern Ireland. The service is directly managed by the Northern Health & Social Care Trust. The Rowan has been operational since 7 May 2013, and provides support, information and direct care 24/7 to anyone directly affected by sexual violence and sexual abuse whether this has occurred recently or in the past. None of the research participants availed of the services of the Rowan.
- 3.1.11 Widely publicised through the Rowan website, literature and awareness raising events since opening, the Rowan services include:
- 24/7 telephone helpline;
 - emotional support;
 - assistance in making a report to the PSNI, regardless of whether the abuse occurred recently or in the past;
 - comprehensive clinical medical examination by a specially trained forensic physician; for those adults who decide not to report to the PSNI initially, they can have their forensic samples stored securely at the Rowan for a period of up to seven years, which enables a report to be made at a later date;
 - risk assessment for HIV and the commencement of PEP (Post Exposure Prophylaxis) to reduce the likelihood of contracting HIV, which must be administered within 72 hours post-assault, where this is clinically indicated;
 - assessment for and administration of emergency contraception;
 - assessment for and referral onwards for an inter-uterine device (IUD);
 - comprehensive sexual health assessment, and treatment where clinically indicated;
 - referral into other acute services for specific support and intervention, such as: mental health, emergency department, safeguarding services for children and vulnerable adults;
 - signposting / referral for specialist therapeutic counselling; follow-up as long as is required; and

- referral to Victim Support NI for longer-term support and helping people remain engaged with the criminal justice process.

Anyone can make the referral to access support or services 24/7 by phoning the Rowan on: 08003894424.

- 3.1.12 In addition, legislative provision was introduced in 2015 that enables the details of victims of crime to be passed from the police to Victim Support NI, in order to ensure that victims and witnesses of crime are provided with information, at the appropriate time, about available services and can make an informed decision about whether or not to avail of those services. Any decision about whether or not to avail of services will continue to rest with the victim. It is hoped that this will help to address issues of low uptake of some services and also ensure that victims are more aware of the help that is available.
- 3.1.13 Despite this, it is considered that the police have a key role to play in ensuring that victims of specific crime types, such as sexual violence and abuse, are aware of the support services that are available. All victims of sexual abuse and violence are now asked if they wish to be referred to a specialist voluntary agency.
- 3.1.14 In addition, all victims of sexual crime receive signposting to the Rowan Support Services as well as to Victim Support NI services, which includes Independent Sexual Violence Advocates.
- 3.1.15 Both student officers and Uniform Response Officers have received a range of face to face and online training aimed at improving their ability to recognise and respond to incidence of child protection and sexual offending. Role specific training is provided for specialist investigators involved in child abuse cases and serious sexual assaults. Much of this training is delivered in partnership with colleagues from social services to enhance knowledge and understanding and ensure both services can provide better support and assistance to victims.

Awareness of and access to specialist services

- 3.1.16 It was suggested as part of the research that there would be benefits in the police working more closely with Nexus NI in order to gain a greater appreciation of what victims go through. Such an approach would both raise awareness of services that are available and increase the knowledge of those dealing with victims of sexual violence and abuse.
- 3.1.17 Currently, Nexus is involved in the training of student police officers. They have also undertaken a victim feedback survey role on behalf of the PSNI. This information has been used to review and improve the services provided by PSNI.

- 3.1.18 It was also suggested that it is important to have a specialised service available within the police to deal with cases of sexual violence and abuse.
- 3.1.19 As noted previously the PSNI Public Protection Branch was created in 2015, bringing together PSNI's Child Abuse Investigation Unit and Rape Crime Unit under a single branch to investigate sexual violence. This has also created a central point for referrals of all suspected or confirmed child sexual abuse. Specially trained officers investigate crimes of this nature.
- 3.1.20 PSNI also have specialist teams of detectives dedicated to responding to victims of sexual violence. Rape crime investigators and child abuse investigators must complete nationally accredited training to ensure they provide the highest level of support and assistance to victims. These officers work extremely closely with victims of sexual offending both during the investigation period and where appropriate through court proceedings.

Updates from the police about case progression

- 3.1.21 The research highlighted, in a number of cases, that the police were very proactive in ensuring that victims are kept updated about the progress of their case. For others, there was criticism of the lack of communication on the progress of their respective cases. This highlights the importance of victims being kept up to date, even if this is simply to advise that there have been no further developments.
- 3.1.22 The Victim Charter sets out entitlements in this area. During the police investigation stage, it states that victims are entitled to receive an update from the police (within 10 days) on what they are doing to investigate the crime. The police will also agree with the victim what further updates are to be provided, as appropriate. Victims are also entitled to contact the police and ask for an update outside of any agreed times. In addition, the Charter sets out what information is to be provided to victims on their journey through the criminal justice process. At the police stage this includes information on
- what to expect from the criminal justice system;
 - crime reference details;
 - information on help and support available (including information on specialist support organisations); and
 - decisions not to proceed with or end an investigation.
- 3.1.23 Once a decision has been taken to prosecute the Victim and Witness Care Unit will then provide information to victims at key stages in the process, with the first contact occurring when the case file is submitted by the police to the Public Prosecution Service. From that point the allocated case officer in the Victim and Witness Care Unit will be the single point of contact in relation to the case.

3.2 Awareness of available services, including the Victim and Witness Care Unit

- 3.2.1 The research has shown that there was some lack of awareness of available services, including the community services provided by Victim Support NI and the role of the Victim and Witness Care Unit.
- 3.2.2 In 2015 legislative provision was made for the police to be able to advise Victim Support NI of all victims of crime so that they could make contact and offer their services, explaining the range of services available. This was introduced to address the issue of victims not being made aware of the support services available from Victim Support NI. Work continues to address this issue.
- 3.2.3 The issue of awareness of support services at the outset of the case has also been touched on in the previous section and will be looked at later when considering service provision by Victim Support NI.
- 3.2.4 In relation to the Victim and Witness Care Unit, there did not appear to be an awareness of the role of the Unit, in terms of providing victims with a single point of contact for as much of the prosecution process as possible. While not all of the cases may have had contact with the Unit, it is considered that a number of the cases would have gone through the criminal justice process (or a part of it) at a time when the Victim and Witness Care Unit was operational. The Victim and Witness Care Unit has recently reviewed and amended all the letters which it issues to make them more victim friendly but also to raise awareness of its functions. The initial welcome letter includes information on the role of the Victim and Witness Care Unit explaining that it provides a single point of contact during the prosecution process and keeps victims and witnesses informed at key stages as the case progresses. The letters also incorporate reference to the entitlements under the Charter. Further consideration will be given to how best to further raise awareness of the work of the Victim and Witness Care Unit and the services that it provides.

3.3 Engagement with Public Prosecution Service (including Counsel)

Interaction with Public Prosecution Service prosecutors

- 3.3.1 The research touched on the issue of interpersonal interactions with PPS barristers. While there were some who had very positive experiences, there were also concerns expressed by a number of participants about how the Public Prosecution Service prosecutors (Panel Counsel) engaged with them at court. Comments included that PPS barristers were 'arrogant', 'bullyish' and 'rude', while others stated that the PPS barristers had made them feel stupid and/or treated them as if they were just a number.
- 3.3.2 The Public Prosecution Service notes that the cases involved in the Research study pre-dated the establishment of the Serious Crime Unit. It is

the intention of the Serious Crime Unit team that every victim of a sexual offence will be treated with respect and understanding by Public Prosecution Service staff and by Prosecution Counsel. Prosecution Panel Counsel receive written instructions in every case outlining their responsibilities and duties. In this document Counsel are instructed that in dealing with witnesses, particularly those who are young and/or vulnerable, they must have regard to the relevant Director's Policies and Guidance.

- 3.3.3 While most participants reported having had the opportunity to meet with the PPS barrister before the commencement of court proceedings, more often than not, such meetings took place on the day of court and many described these meetings as 'brief', 'stressful' and/or 'impersonal'. Four of the participants expressed concern about the length of any meetings with Counsel, and also felt that this should take place before the day of trial.
- 3.3.4 The Public Prosecution Service are of the view that in these types of cases it is undesirable for the victim to meet Counsel for the first time on the day of trial. However, on occasions may be unavoidable. Under the new processes operating in the Serious Crime Unit, prosecutors will meet most victims of sexual offending in advance of any trial.
- 3.3.5 It was felt by some that core information needs to be provided to victims ahead of trial, and without a significant number of people involved, as on the day of court you simply cannot take in a lot of new contacts and information.
- 3.3.6 The Victim Charter outlines that victims are entitled to receive information from the Victim and Witness Care Unit to help them prepare for going to court and understand the court process, in advance of giving evidence, so that they know what to expect. When the full investigation file is submitted by the police to the Public Prosecution Service for consideration, a leaflet setting out the role of the Public Prosecution Service and the part they play in the criminal justice process¹⁰ is provided to victims by the Victim and Witness Care Unit.
- 3.3.7 Concerns were also expressed by some about the legal jargon used by barristers. Prosecution Counsel is expected to speak to victims and witnesses in such a way that the victim or witness will understand what is being said. Some legal jargon may be unavoidable but it should be explained in plain English. In every case Counsel is instructed to adhere to the Public Prosecution Service's Victim and Witness Policy relating to this.
- 3.3.8 Some participants expressed concern that the Public Prosecution Service barrister hadn't appeared to know the case very well, which left them anxious in terms of how adequately they would be represented in court. In one case this was due to a last minute change of barrister.

¹⁰[www.ppsni.gov.uk/SiteDocuments/PPS%20Press%20Office/The%20Role%20of%20the%20Public%20Prosecution%20Service%20\(revised%202010\).pdf](http://www.ppsni.gov.uk/SiteDocuments/PPS%20Press%20Office/The%20Role%20of%20the%20Public%20Prosecution%20Service%20(revised%202010).pdf)

- 3.3.9 In every case in which they are instructed, Prosecution Counsel is required to read the case upon briefing and, as appropriate, advise and consult on all aspects of the case in advance of the commencement of the trial. As previously explained, sometimes it is unavoidable that Counsel may be instructed in a case at a late stage. However, they are still expected to be fully knowledgeable on the facts of the case by trial stage, irrespective of the timing of being briefed.
- 3.3.10 The Public Prosecution Service's Victims and Witness Policy has been redrafted and incorporates changes introduced through the creation of the Victim and Witness Care Unit and the publication of the Victim Charter. A revised policy has been published. Extensive training on the revised policy, outlining the obligations to be met, was completed in September 2016. All Public Prosecution Service staff received the training. Public Prosecutors and Panel Counsel also received training and are required to act in accordance with the revised policy.
- 3.3.11 Following the Victim Charter being placed on a statutory footing in 2015, guidance was issued to all Public Prosecutors and Panel Counsel and a number of Public Prosecutors received further training.
- 3.3.12 Further steps have also been taken to improve the service provided by Panel Counsel. The Public Prosecution Service contract now includes a clause requiring Panel Counsel to attend mandatory training relating to the care and support of victims and witnesses and particular crime types. Public Prosecution Service staff are also required to undergo training in these areas.

Updates on case progression

- 3.3.13 The majority of participants had received notifications regarding forthcoming court dates, however a couple of participants expressed frustration with the lack of updates provided in relation to the status of their respective cases.
- 3.3.14 The introduction of the Victim and Witness Care Unit provides a single point of contact for victims and witnesses as their case progresses through the prosecution stage and the Unit's primary role is to keep victims and witnesses informed about the progress of the case. Information is provided by the Unit at key points in the process. The Unit also provide three monthly updates to victims in Crown Court cases, typically the most serious cases, where there has been no communication within the previous three months. This occurs whether or not there has been significant progress. Victims and witnesses are also able to contact their case officer should they have any queries or concerns.
- 3.3.15 This is in line with the commitment made within the Victim Charter, which also provides that a victim is entitled to be informed if there is a delay in proceedings and the reason for this. More generally it sets out that victims will be provided with the following information:

- a decision not to prosecute someone;
- the offences for which the accused is being prosecuted;
- the date, time and location of key court hearings (trial, sentence and appeal);
- help and support available to victims;
- the outcome of relevant bail hearings (where this directly affects the victim) and the trial;
- claiming expenses, if asked to give evidence;
- claiming compensation (on request); and
- victim information schemes (where relevant).

3.3.16 Where there are concerns about the provision of services, or the extent to which entitlements have been delivered, these should be raised with the service provider in question in the first instance. If not satisfactorily resolved the matter can be raised with an independent body

3.4 Practical issues at court (seating arrangements)

Attending Court

- 3.4.1 A number of individuals recalled the anxiety they had experienced in court as a consequence of their close proximity to the alleged perpetrator and his or her family in the courtroom.
- 3.4.2 It is not unusual for victims and witnesses to be anxious about attending court, therefore there are a number of measures in place to address this and help victims and witnesses know what to expect. Victims are entitled to a court familiarisation visit under the Victim Charter. This can be arranged either through the Victim and Witness Care Unit, the Northern Ireland Courts and Tribunals Service, Victim Support NI or NSPCC Young Witness Service. During the familiarisation visit, staff can explain what to expect when attending court and answer any general queries about what will happen at court. Those who will give their evidence using the live link facilities can also arrange to use these, where available. Victims are also entitled, under the Victim Charter, to have victim support service providers explain to them what happens in court and access the witness support services.
- 3.4.3 It is also important that victims at court are provided with services in an impartial, respectful, sensitive, tailored, professional and non-discriminatory manner and this can help to reduce the anxiety which they face. Officials likely to come into contact with victims at court are required, under the Victim Charter, to receive both general and specialist training to a level appropriate to their duties and the nature and level of contact with victims of crime. This training should increase their awareness of the needs of victims and enable them to recognise victims and deal with them in an appropriate manner.
- 3.4.4 The Victim Support NI Witness Service tries, where possible, in sensitive cases to ensure seating is reserved for the victim and families and this is not

normally a problem. However, there is limited scope to make changes to the seating arrangements at court, particularly in smaller court locations. The possibility of reserving seats for the victim, away from the defendant and their family, will be explored further with the Northern Ireland Courts and Tribunal Service, in terms of whether there are any larger courtrooms in which it may be possible to identify a small number of reserved seats.

Encountering the defendant

- 3.4.5 Fear of meeting, or being near to the defendant at court, was another concern raised by some of those taking part in the research. They were of the view that victims shouldn't have to sit beside the defendant in a case.
- 3.4.6 When a victim or witness is giving evidence, witness support services or court security officers can make arrangements for the victim to be seated as far from the defendant as possible and can be escorted in and out of the courtroom. Also, witness support services can, where possible, make arrangements to reduce the likelihood of the victim or witnesses coming into contact with the defendant, which includes a separate place to wait.
- 3.4.7 Victims are also entitled under the Victim Charter to ask the Northern Ireland Courts and Tribunals Service if they can enter the building before other members of the public or enter the court building through a separate entrance from the defendant and their family and friends. This may be facilitated through witness support services, however, not all court buildings have separate entrances. In future, the Northern Ireland Courts and Tribunals Service will ensure that all new builds include separate entrances for vulnerable users.

3.5 Support services, including at court

- 3.5.1 The majority of participants spoke very positively about the services they received from the support services. A few participants hadn't appreciated what exactly the role of Victim Support NI was, with some under the impression that it was a counselling service, while others appeared to be unaware of the community service that is provided.
- 3.5.2 When a crime has been reported, Victim Support NI receives details of victims of crime from the police and contact is made with the victims. In cases of sexual violence and abuse, victims are contacted by telephone and told about the various services which Victim Support NI provides. Victim Support NI staff also complete an initial needs assessment in order to ensure the victim is offered services appropriate to their needs. While Victim Support NI provides a range of support services, these do not include counselling. Where counselling is required, Victim Support NI would make an onward referral to a counselling organisation.
- 3.5.3 One participant raised the issue of the gap in affordable counselling and queried whether this might be a role that Victim Support NI could take on.

Another participant mentioned the need for the support services provided by Nexus NI to be more widely advertised. The new ISVA role, being piloted by Victim Support NI, (see paragraph 3.5.7) will help ensure that all victims are aware of Nexus counselling support. Victim Support NI also refer clients to other counselling on occasion due to waiting lists in some areas.

- 3.5.4 Nexus promote all their services through their website, twitter account and Facebook page. In addition, the organisation has posters, leaflets and fliers containing information on all services that include contact information. When resource allows, Nexus delivers posters, leaflets and fliers to GP's surgeries, partner agencies etc. Also, Nexus, in partnership with various organisations, produce emergency contact cards which provide contact information for the organisations. These are given out at fresher's fairs, conferences and are held at several sites including Nexus's own offices across NI.
- 3.5.5 Victims and witnesses availing of the court support services provided by Victim Support NI Witness Service are offered a pre-trial court familiarisation visit. A number of participants availed of the opportunity to have a pre-trial court familiarisation visit and found it most helpful. However, one individual felt that it would be better if this visit was carried out on the day before the trial, given that there is a lot happening on the day of the trial itself.
- 3.5.6 In practice, the majority of these visits take place on the morning of the trial, however should a victim or witness wish to have a visit in advance of the day of the trial, the Witness Service would aim to accommodate such requests.
- 3.5.7 On 1 September 2016, Victim Support NI commenced an Independent Sexual Violence Advocates Service. Victims of sexual violence and abuse accessing this service will have support at every stage of their criminal justice journey and will have an advocate to explain roles and processes as well as providing assistance in dealing with criminal justice agencies. This pilot will run for a period of two and a half years (through to September 2018), following which it will be evaluated.

3.6 Delay and adjournments

- 3.6.1 Understandably, victims want their case to be dealt with as soon as possible with fewer adjournments. A number of research participants were critical of the delays experienced once their respective cases got to court and the majority of participants had experienced at least a couple of adjournments.
- 3.6.2 The Department of Justice recognises that in some cases it can take longer for a case to progress through the system than would be expected and that this can add to the burden of those who have suffered as a result of the crime. The Department, in partnership with senior leaders in the criminal justice organisations, is taking steps to address this through a programme of work to transform the performance of the criminal justice system. This includes a range of procedural, legislative and structural reforms intended to

speed up criminal case progression and improve the efficiency and fairness of the system.

- 3.6.3 As part of our response to the Programme for Government (Indicator 38, effectiveness of the justice system) we have established a new data set that measures, for the first time, the time taken to progress a case from the date of incident reported to final court disposal. Information is collected by court tier split by summons and charge. The objective is to remove avoidable delay from the system to the benefit of victims, witnesses. The data will allow us to identify problem areas and to track improvements over time.
- 3.6.4 The Justice Act (Northern Ireland) 2015 also contained a number of fundamental, long term reforms to tackle delay and improve the efficiency of the justice system. A number of reforms have been implemented, while work is ongoing to implement the remaining sections. This includes measures to encourage early guilty pleas (introduced in April 2016) and reform of the summons process (introduced in March 2017). Work is also underway to introduce a statutory framework for the management of criminal cases, enabling the Department to impose duties on the prosecution, defence and the court in terms of what must be completed prior to the commencement of a case. These provisions will require that legal representatives have made all the preparations necessary for court stages of proceedings, which should help speed up the progression of criminal cases by reducing the need for adjournments. The Department will also be able to impose a general duty on all persons exercising functions in criminal proceedings in the Magistrates' Courts and Crown Court to reach a just outcome as swiftly as possible. The duty will take particular account of the need to identify and respect the needs of victims and witnesses.
- 3.6.5 The Department is also progressing work to further reform the committal process (used to determine whether there is sufficient evidence to justify putting a person on trial in the Crown Court), subject to agreement of the Executive. It is intended to bring forward legislation to:
- abolish oral evidence at committal;
 - make further provision regarding the direct transfer of offences related to a specified offence and early guilty pleas; and
 - allow cases to be discontinued, where appropriate, after committal and before arraignment.
- 3.6.6 PPS and PSNI are currently embarking on a Working Together pilot which seeks to transform working relationships, through the development of more collaborative working arrangements. The pilot is aimed at delivering a more effective criminal justice system. Key features of the pilot, which commenced in the Belfast area in February 2017 and will run for a period of a year, include:
- evidential standards for summary offences;
 - proportionate file build for summary case files;

- a dedicated team of PSNI decision makers in a year long proof of concept to improve the quality and consistency of disposal decisions and to assess guilty and not guilty pleas;
- streamline file build for no prosecution cases on specified offence types; and
- proportionate forensic reporting.

- 3.6.7 The Indictable Cases Process (ICP) was also rolled out across a wider range of Crown Court cases from May 2017. A pilot that ran for the calendar year 2015 demonstrated that the process delivered significant benefits as investigations were more focussed and case preparation time more proportionate, leading to quicker proceedings overall. The process now applies to murder/manslaughter cases, indictable drugs cases, section 18 and section 20 assault cases, attempted murder cases across all regions and districts and conveying a list A Article into or out of prison. The rollout is expected to benefit victims and witnesses by ensuring that cases are not prolonged and also improve public confidence as cases are concluded more quickly.
- 3.6.8 Proportionate forensic reporting (PFR) using staged reports has also been rolled out across all forensic disciplines. This will enable cases to proceed with shorter forensic reports that suit the evidential needs of a case and help speed up the process. A pilot to introduce presumptive field testing kits to identify cannabis without the need for a full forensic examination has been extended across Derry and Strabane police District for six months starting March 2017.
- 3.6.9 Body Worn Video has been introduced to police officers across Northern Ireland involved in the front line of policing. This will enhance the level of evidence available to police and prosecutors to secure sound convictions and to encourage early guilty pleas.
- 3.6.10 It is hoped that these range of measures taken together will encourage those who are guilty to admit their guilt early on, reduce the burden on victims and witnesses and increase the capacity for the courts to deal more effectively with contested criminal cases.
- 3.6.11 In terms of the time that victims and witnesses have to wait at court, a working group, consisting of representatives from the Northern Ireland Courts and Tribunals Service, the police, the Public Prosecution Service, NSPCC Young Witness Service, Victim Support NI and the Lord Chief Justice's Office, considered this issue. Work is also being undertaken as part of the new three year victim and witness action plan to try to reduce the time that victims and witnesses have to spend at court.

3.7 Victim personal statements and victim impact reports

- 3.7.1 There was a low awareness among participants as to what a victim personal statement is, with a few participants stating that they hadn't known about the option to make one. There was also a lack of awareness of the difference between a victim personal statement and an expert victim impact report; two participants had made a victim personal statement, while seven expert victim impact reports were prepared. The Department will wish to consider what steps could be taken to raise awareness of the victim personal statement facility and the assistance that is available to those that wish to make a statement for the court to consider.
- 3.7.2 One participant felt that there was insufficient privacy at the Victim Support location (an outreach office) and also mistakenly believed that it was compulsory to make such a statement (which is not the case) and that it was being made for compensation purposes. It was suggested that it might be better if victims themselves were to draft the statement and subsequently take it to Victim Support NI for their advice.
- 3.7.3 One participant felt that it would have been helpful to have a more experienced Victim Support NI facilitator assist with making the statement.
- 3.7.4 Victim Support NI will continue to try to balance the privacy needs of clients alongside health and safety issues when choosing outreach locations. Victim Support NI will ensure that all facilitators have undertaken relevant training on completion of forms. All clients will be reminded when booking appointments that the victim personal statement is optional. Steps will also be taken to provide clients with draft paperwork to assist them to complete the form in advance of their victim personal statement meeting.
- 3.7.5 Provisions within the Justice Act (Northern Ireland) 2015 entitle a victim to be given the opportunity to make a victim personal statement, setting out the impact that the crime has had. The legislation also sets out that, where a person has been convicted, the court must, in determining the sentence, have regard to those parts of the statement that are relevant to the offence.
- 3.7.6 Currently, victims are advised about the victim personal statement facility at an early point in the process to ensure that they have as much time as possible to consider preparing a statement. In practice, when the Victim and Witness Care Unit advises a victim of a decision to prosecute, a leaflet on the victim personal statement¹¹ is issued, setting out the purpose of the statement and what it can and can't include. The leaflet also advises that support is available to prepare the statement (from Victim Support NI, NSPCC Young Witness Service or a police Family Liaison Officer in murder/manslaughter cases).

¹¹ www.justice-ni.gov.uk/publications/victim-personal-statement

3.8 Sentencing

- 3.8.1 Many participants expressed concerns about what they perceived as the inadequacy of the sentence for the seriousness of the crime, while some also felt that there should not be scope for perpetrators of sexual violence and abuse to get 50% remission and that they should not be given credit in terms of a reduced sentence for pleading guilty.
- 3.8.2 A small number expressed concern about the role of PPS in relation to the sentencing process; one felt that not all relevant evidence had been presented at court while another felt that PPS were just glad to have secured a conviction regardless of what the sentence was.
- 3.8.2 Sentencing is outside the remit of the Public Prosecution Service who cannot advocate for any particular sentence to be imposed on a defendant. In every case in which Counsel is involved on behalf of the prosecution they are instructed to:
- bring to the Court's attention any relevant information regarding the impact of the offence on the victim;
 - bring to the Court's attention any authorities, guidelines or statutory provisions relevant to the offence;
 - be aware of the sentencing powers of the Court so that if an incorrect sentence is passed this can be corrected; and
 - challenge any inaccurate or misleading assertion made on behalf of the defendant in mitigation and to apply for any relevant orders on sentencing.
- 3.8.3 Ultimately it is the judge alone who decides the sentence to be given to a convicted person, though they are guided by a number of factors, including:
- the maximum sentence they can give, which is usually set out in law;
 - whether the defendant pleaded guilty or not (if the person pleads guilty the judge can reduce the sentence);
 - the level of sentences in similar cases in the past; and
 - aggravating or mitigating circumstances, which may increase or decrease the sentence.
- 3.8.4 The final sentence granted may be less than the maximum that is available, due to the individual circumstances of the case, and will ultimately be for the judge to determine. The views of the victim can only be taken into account in so far as the information provided in any victim personal statement, about the impact of the offence, is relevant.
- 3.8.5 The Department of Justice are presently working on a comprehensive review of sentencing policy and the mechanisms by which consistency, transparency and confidence in sentencing are currently delivered. The review will consider policy, legislation and systems in place to deliver effective sentencing. It will focus on sentencing policy; sentencing mechanisms; community sentencing; unduly lenient sentencing; and a

number of specific policy areas, including sentencing for crimes against older and vulnerable people, and for causing death by dangerous driving. The review will also consider life sentence tariffs. Consultation will be undertaken, in due course (subject to Ministerial approval), and be supported by a series of engagement events. Following this a final sentencing policy paper will be prepared, incorporating the purpose and scope of the review and the department's sentencing policy.

3.9 Victim information schemes

- 3.9.1 Two research participants had registered for the Prisoner Release Victim Information Scheme (PRVIS) and concerns were raised around the lack of information regarding the perpetrators impending release from prison.
- 3.9.2 Several participants who would have been eligible for the schemes had not been advised about them and had no knowledge of them.
- 3.9.3 One participant was under the impression that Victim Support NI would advise them on the timing of the release of an offender. As this isn't how the scheme works they were shocked when they found out that the person had been released.
- 3.9.4 The Victim Charter, and the information provided by the Victim Information Unit, set out the circumstances in which a victim is entitled to be notified about the release of an offender and what information will be provided. The Victim Information Unit is based in PBNI and covers schemes in three areas – Prisoner Release Victim Information Scheme (PRVIS – Prisons), Victim Information Scheme (VIS – Probation) and Mentally Disordered Offender Scheme (MDO – DoJ).
- 3.9.5 The PRVIS advises victims, in advance, of the year and month in which a prisoner is to be released, however this does not include the exact day. It is not legally permitted to advise of the release date in advance. Also, there could be safety concerns should information be made available, with the need to avoid the possibility of the offender being targeted on release. As far as possible, victims are contacted on the day of release to advise them that release has taken place. Where significant risk concerns are identified beforehand these can be communicated to the police Public Protection Units, who can inform the victim based on the risk.
- 3.9.6 Following the enactment of enabling legislation from September 2016 Public Prosecution Service have provided victim contact details directly to PBNI for those victims eligible to register with the PRVIS, VIS or MDO schemes. This now enables PBNI's Victim Unit to contact eligible victims directly and going forward the potential to contact them at various stages of the sentence. In addition the Unit regularly promotes its services to organisations providing services to the victims of sexual violence. These actions will ensure that all eligible victims are made aware of the schemes.

3.10 Miscellaneous issues

- 3.10.1 One participant advised that they were unclear about who they should report incidents of sexual violence and abuse to and that there should be greater publicity on this issue.
- 3.10.2 In relation to this the PSNI are currently running a number of education programmes to raise awareness of sexual violence and abuse and to encourage reporting.
- 3.10.3 One participant raised concerns about the wording of letters that are issued by Compensation Services to victims of sexual violence and abuse.
- 3.10.4 As a result compensation services met with the participant and worked with them to agree new wording for letters that relate to claims for sexual violence and abuse. These letters are now operational.
- 3.10.5 One victim advised that their GP had been unhelpful and insensitive. It was felt that there is a greater need for the medical professionals to signpost victims to support services, given that in some cases they can be the first point of contact.
- 3.10.6 One of the priorities of the Stopping Domestic and Sexual Violence and Abuse Strategy is to consider an integrated pathways approach to facilitate the four key elements of service provision for those who present with domestic and sexual violence and abuse – Encourage disclosure and recognise signs of violence and abuse; Respond to disclosure; Identification of harm; and Coordinated action following disclosure. A series of Action Plans will be taken forward over the coming years to deliver on those priorities