



Northern Ireland  
Assembly

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**COMMITTEE FOR JUSTICE**

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**OFFICIAL REPORT**  
(Hansard)

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**Inquiry into Victims and Witnesses of  
Crime: Key Issues**

1 December 2011

**NORTHERN IRELAND ASSEMBLY**

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**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Stewart Dickson  
Mr Seán Lynch  
Mr Alban Maginness  
Ms Jennifer McCann  
Mr Peter Weir

**Witnesses:**

Miss Claire Cassidy	)	
Miss Geri Hanna	)	
Mr Colm Keenan	)	Victim Support Northern Ireland
Mr Paul Nolan	)	
Ms Susan Reid	)	
Mr Mark Wright	)	
Mrs Rhonda John	)	
Mrs Mairead McElkearney	)	Focus Group
Ms Emily Rankin	)	

**The Chairperson:**

Thank you very much for coming along today. We are outside Stormont, which is a good thing. I will hand over immediately to Susan, who will take us through this afternoon's session.

**Ms Susan Reid (Victim Support Northern Ireland):**

Thank you very much. First, I would like to welcome you all. In a minute, there will be introductions. However, I want to formally thank the Youth Justice Agency for allowing us the use of its room this afternoon. I would like to say a particular word of thanks at the outset to Mairead, Emily and Rhonda for their participation in this afternoon's session, which I truly believe will make an important contribution to the evidence that the Committee will provide to the next strategy for victims and witnesses in Northern Ireland.

By reporting to the police, victims and witnesses have chosen to engage with the criminal justice system. In the common law adversarial process, this means that, technically, the case is that of the state versus the accused. The state takes responsibility for considering evidence and public interest before coming to a conclusion, which must be beyond reasonable doubt, as to whether the accused has broken a law or laws. Therefore, technically, the case is that of the state rather than those harmed by the crime.

That is why it is not realistic to argue for victims to be at the heart of the criminal justice system. However, the experience that victims and witnesses have when they engage with the system should be core business for each of the agencies and organisations that make up the criminal justice system. Their experience and treatment should be at the heart of system planning, professional training and performance measurement in the criminal justice system.

That might not be as attractive a sound bite as, "putting victims at the heart of the criminal justice system". However, such a focus might just make the difference that is needed. That difference needs to be continuous and ongoing year-on-year, not just a side project, side issue, course or even four-year plan. We want to challenge the perspective expressed to me by a senior professional in the system quite recently, when I was told, "we have already done victims and witnesses".

Our challenge to the criminal justice system is to identify where improving the treatment of victims and witnesses comes in the overall agenda of each organisation and agency. Is it core business or a side issue? How many organisations and agencies in the criminal justice system have targets and systems year-on-year to assess the experience of victims and witnesses in Northern Ireland? How many professionals and staff in the system have an understanding of the

impact of crime on victims and witnesses as part of their continuous professional development? How much money is being wasted on systems in which organisations operate while not delivering a service to victims and witnesses? When changing systems, do organisations assess the impact to victims?

More than a year ago, we assisted Criminal Justice Inspection in contacting people who have been harmed by serious crime. That is not to say that all crime is not serious. However, using the language of the system, it meant people who had experienced sexual or domestic violence or who had been affected by murder or manslaughter. As those are not covered by the Northern Ireland victim and witness survey, which we note is not planned to continue as such next year, there was some irony in the fact that it would be well over a year, by next week, when the report is due to be published.

We believe that victims' voices need to be not only heard but responded to in a timely fashion. That is why we commend the Committee for making the effort to hear directly from people who have experienced the system. Before I attempt to act as a guide to their journey through the system, as a courtesy to them, and although I have already thanked them privately, I want to thank them again publicly for their generosity in making the time and effort to be here today.

Chairman, may I ask you to introduce yourselves, so that the witnesses know to whom they are talking today?

**The Chairperson:**

Yes, of course. That is no problem. I am Paul Givan, a Lagan Valley Assembly Member and the Chairperson of the Committee for Justice.

**The Committee Clerk:**

I am Christine Darrah, the Clerk of the Assembly's Committee for Justice.

**Mr Paul Nolan (Victim Support Northern Ireland):**

I am a witness service co-ordinator at Laganside Courts.

**Mrs Rhonda John (Focus Group):**

My name is Rhonda John.

**Ms J McCann:**

I am one of the MLAs for West Belfast and a member of the Committee for Justice.

**Mr Dickson:**

I am an MLA for East Antrim and a member of the Committee for Justice.

**Miss Claire Cassidy (Victim Support Northern Ireland):**

I am a researcher with Victim Support.

**Mr Colm Keenan (Victim Support Northern Ireland):**

I am a community co-ordinator for Victim Support. I am based in Belfast.

**Mr A Maginness:**

I am a member of the Committee for Justice and an Assembly Member for North Belfast.

**Mr Mark Wright (Victim Support Northern Ireland):**

I am the criminal injuries compensation service manager for Victim Support.

**Miss Geri Hanna (Victim Support Northern Ireland):**

I am the operations manager for Victim Support.

**Mrs Mairead McElkearney (Focus Group):**

I am Mairead McElkearney.

**Ms Emily Rankin (Focus Group):**

I am Emily Rankin.

**Mr Lynch:**

I am an Assembly Member for Fermanagh and South Tyrone and a member of the Committee for

Justice.

**Mr McCartney:**

I am an MLA for Foyle and a member of the Committee for Justice.

**Ms Reid:**

Thank you very much. I draw members' attention to two key documents in the information packs that we have prepared for you this afternoon, as they may help with the next part of the session. We have included a process map, which is an attempt to summarise the journey, if you would like to put it that way, from end to end — from reporting a crime through to disposal. In the next hour and a half or so, we will try to structure the conversation, as appropriate, around that journey. The other piece of information that should be in your packs is a short pen picture of the cases represented here today, which you may want to reference.

Before we begin, I thought that it would be helpful to share with you some of the stories of the other people who should have been here today but could not make it. I am looking to my colleagues from Victim Support. Will you help me by summarising the cases of the people whom we hoped would be here and the reasons why they could not make it? I think that it is quite important to say what has prevented them from participating in this afternoon's process.

**Mr Wright:**

The first victim who intended to be here today sends her apologies. She is Lauren Bradford, whose mother was murdered. It is a case that some people may be familiar with. Unfortunately, she could not make it today. The Police Ombudsman for Northern Ireland is publishing the report on her mother's murder investigation, so she is not able to attend. However, she has given me permission to share any of her experiences that may help the Committee to understand her experiences of the system, so I will be doing that.

We had hoped that another of our clients, who was at a hearing this morning regarding criminal injuries compensation, would come along. His experience of the system centres on his interaction with the PSNI, and he is willing to make statements on that interaction with the system. Unfortunately, he cannot make it because he is a carer for his wife and cannot come out

for the rest of the day.

**Ms Reid:**

Colm, do you wish to discuss a couple of wee topics as well?

**Mr Keenan:**

Yes. The first case is about a young man called Joseph Byrne, who was the victim of identity theft. He went through a long process of clearing his name. He works for a production company that is moving premises and that has gone over schedule, so he will not be able to make it today. The second case is about young lady called Katrina Cassidy, who was the victim of domestic abuse. Katrina is a teacher, and she had to take a lot of time off work to go through a court case that is not as yet complete, so she cannot get the day off to be with us. Both people have given express permission for their cases to be discussed here today.

**Ms Reid:**

In preparation for this afternoon's session, one thing that we invited our participants, Mairead, Emily and Rhonda, to think about was the title that they would like to give the story of their experience in the criminal justice system. So, by way of kicking off the session, Emily, can I — I was going to say pick on you but that is not a very good choice of words — invite you to share the title of your story?

**Ms Rankin:**

From off the top of my head, as it were, I put down, “a long, tortuous and frustrating saga”. That was our story of our journey through the legal process.

**Ms Reid:**

What about you, Rhonda?

**Mrs John:**

I just put down, “when the system fails you”.

**Ms Reid:**

The other things that we asked you to think about were the main messages that you want the Committee to hear from you today. Rhonda, I will start with you this time.

**Mrs John:**

Isolation was one of the main things that I felt, as well as the sense of being let down by the Police Service. I felt as though I was a victim over again, in a different sense. I did not get any updates from the police. The changing of police officers throughout the trial was another thing that concerned us.

**Mrs McElkerny:**

Lack of communication was the biggest issue with which we had a problem. Nobody told us anything. We tried really hard to build bridges and to make contacts in order to get an answer from anybody.

**Ms Rankin:**

Overall, we thought that what would improve the system would be a dedicated liaison officer — someone who would act on behalf of the family. As Mairead said, we had to build bridges and fight very hard to get information. We did get it in the end, and we did have good relationships, but it was always done almost on a favour basis, so we think that we need someone who has access to all parts of the process, including the agencies, and who has a right to ask for updates.

Rhonda mentioned communication and that kind of thing and the fact that she was not given enough information. We had to battle our way through it. It probably took us two of the three years to establish relationships by keeping at people. In the end, we did. Although now that we have passed the stage of the sentencing and guilty verdict, we find that an appeal has been lodged and that, again, there is no one to tell us where to go for information. We are always excluded and we almost felt like a nuisance in the process.

**Ms Reid:**

Will you say a bit more about what that sense was like?

**Ms Rankin:**

We were advised early on. I cannot tell you who said particular things. Our mother was murdered and we were very distressed. As a family, we decided that we would attend everything and make sure that we knew everything that was going on. So, some of us attended every single court appearance. I think that we counted at least 55 days that we spent in court over the period of two years and 10 months. At the beginning, we were told that there was no need for us to attend. We were often told not to go, that there was nothing that we could do and that we would not understand the process. We kept at it all the time and we kept going — we did understand the process. We were advised not to attend certain parts of the trial because they were technical and, therefore, we would not understand them, but we did understand them.

The only way that we could know what was going on was to attend every single mention in the Magistrate's Court. The Magistrate's Court lasted for 17 months, at roughly monthly or six-weekly intervals. It was a total waste of time. With the seriousness of the case, it could never have been dealt with in the Magistrate's Court. It should have gone straight to the Crown Court. So, those were the types of things on which we were told not to bother. When we complained about not knowing things, we were told more or less that we did not need to know. As far as the prosecution was concerned, barristers do not talk to families. There were all kinds of throwaway remarks and that kind of thing.

That is what I mean about feeling that we were a nuisance. We kept at it all the time. We kept insisting that we were heard and that we were informed. As a result, we were well prepared when we got to court. It was a very harrowing process to have to go through and listen to, but we prepared ourselves well for it. However, that was due only to our dedication to it, to be perfectly honest. You need someone there to fill you in on what is happening — not necessarily on the details of the case, because there is a lot of confidentiality — why it is happening, and what the process is, and to support you in that way.

**Ms Reid:**

I will take you back to the beginning. How did you find reporting the crime in the first instance, Rhonda? What was your experience?

**Ms John:**

Reporting the crime was fine. We thought that would have been the worst part, but it was not. Reporting the crime was great; we got it out of our systems a bit. It was what happened afterwards. As Emily said, each time we phoned the police, we were told nothing. There was nothing to tell. We were stopped in Tesco and told by people when the case was going to court. Then, when we got back to the officer in charge, he said that he did not know that. We were not told anything. We are now starting to come to our case. He has been found guilty on seven charges. We are now going back for another four charges. We have started to go to everything in the court, because no one else tells us anything.

When we phone witness services, they help us as much as they can, but we have to be in court. Even though we did so, the police officer said that there was no point in our being there and that we might as well leave and that they would phone us. We are still waiting for that phone call. Nobody comes back to you.

Incidents have happened at my property and I have had to move twice in eight months. I have pages and pages of incidents. The police would not recognise that it was intimidation. They put it down to racism. It has cost me a lot of money, and there is no financial help. The police came out and told me what needed to be secured in the house, but I told them that I could not afford to do it. They then said that there was nothing that they could do. There is just nothing available.

**Ms Reid:**

Emily and Mairead, what was reporting the crime like for you?

**Mrs McElkerney:**

My uncle and my sister found my mum's body, and the police took over. Our experience with the police was very positive and they were very supportive. There was a lot of contact with the police in the first couple of weeks. The police liaison officer was in the house nearly all day, every day, collecting information from us. It was back and forth — a two-way system. Police liaison officers are under-resourced. He was there and he was effective initially, but then he was off and he was not part of the process after that, or had very little input.

A very good friend of ours is a criminal solicitor, and he told us at the start to go to everything in court. We were given the right direction by him and that is how we ended up knowing and preparing ourselves. Rhonda is only finding that out now. Our friend drew up a plan of the whole process. He said that the person would be charged, it would then go through the Magistrate's Court and then to arraignment — all the things that you do not know. We knew what to look out for and, therefore, we knew what questions to ask and we followed that all through. The police were very supportive all through and kept us informed. We built up good communications with them. If they heard anything, they would phone us and let us know. They were always there if we had any questions, and they tried to find the answers.

**Ms Reid:**

How did you find the experience of giving your statement?

**Mrs John:**

Giving the statement was fine. They came out to the house. It was held in our home, and we were put at ease. They were quite good with that.

**Ms Reid:**

Emily and Mairead, did that affect you? Did you have to give a statement?

**Mrs McElkerney:**

Yes, I had to go to Garnerville to give a video statement. It was grand. They really did put you at your ease and helped you along the way.

**Ms Reid:**

How long was it from giving your statement until you had to attend court?

**Ms Rankin:**

Do you mean until the actual start of the trial?

**Mrs McElkerney:**

Two years and eight months.

**Mrs John:**

I think mine was around about that time — about two and a half years.

**Ms Reid:**

What was life like during that period?

**Mrs McElkearney:**

It was like being in limbo. You were just waiting for each step. You never knew the long-term plan. Your life was on hold for two years and 10 months — completely on hold. You could not plan anything and you could not go anywhere. You did not know what the next stage would be. At each court appearance, you found out when the next court appearance would be and what it would be about. You could not plan to go for a week's holiday just to get your head cleared. We had a family wedding in the middle of it — the first of the next generation. They had to arrange it a year later than originally planned because we thought that we would be in trial. It turned out that the wedding was going to fall right in the middle of when the trial was meant to be running. In the end, the wedding came and went and the trial was three months later. That could not be changed. We could not make any plans for nearly three years because we were following a process through.

**Ms Reid:**

Rhonda, you mentioned having to move house twice. Were there any other consequences for you in your work? Did you incur any other costs during that period? How did it affect your life?

**Mrs John:**

I had to move home twice but I still had to pay for two houses. The bungalow was mine, and I had to maintain the mortgage on it. Some family members were still living in the bungalow, and I had to set up home again. My furniture is now in storage. It has been pretty hard.

**Ms Rankin:**

We found that we incurred a lot of expenses. There are only two children out of eight — if you could call them children — in Northern Ireland. Most live outside Northern Ireland, in England,

and I live in Dublin. We found that there were an awful lot of expenses for flights, boats and other forms of travel. We also had to take time off work. We all had to take periods of sick leave, but extended periods of sick leave and compassionate leave were also needed in some cases. In the main, our employers were very considerate, although one of my sisters who worked in the health service in Britain had a really rough time and had to take early retirement. There were also a lot of lost earnings, and one of my brothers, a self-employed engineer, could not commit to any contracts for a full year. The trial date had been set for 1 November 2010, but the trial only ended on 28 October 2011. We had four clear trial start dates, and a lot of earnings were lost and a lot of expenses were incurred during that period.

My mummy's house was locked up as a crime scene for a year and four months, and restoring the house and getting it going again was difficult. There were a lot of hidden expenses.

Our employers suffered an awful lot, too. There are teachers and nurses in the family and, for example, many substitute teachers had to be employed. We were given a definite trial date and a substitute teacher was employed for a number of months to cover the trial. However, the trial was then cancelled at the last minute, and it was cancelled again and again. We rented houses to stay in, but it went on and on.

When the trial actually started, we were taken by surprise because we almost believed that the case would never come to trial. As we sat in the court when they selected the jury, the tension level went down a little notch; they had at least selected the jury. We had been there so many times before. Then we got the opening statements and we felt that it had at last actually started. We had been built up and dropped so many times.

**Mrs McElkerney:**

It was always at the last minute.

**Ms Rankin:**

Yes; always at the very last minute.

**Mrs McElkearney:**

We would be in court on the day that the trial was due to start, and they would come out to tell us that the case had been delayed and that we should come back next week. When we came back the next week, they would tell us that the trial had been postponed indefinitely and that no date had been set. You would go back to court a few weeks later, when the case was next mentioned, and you would be given another date, but it would be right up to the wire with that next date and the date after that. Every time we were given a trial date, we had to get the family to come over, rent accommodation, buy the flights and organise time off work, only to be told the day it was due to start, or the Friday before it was due to start, that it was not happening again. That happened four times before the trial actually kicked off.

**Ms Reid:**

How did you hear about the trial dates? How were you notified?

**Mrs McElkearney:**

We went every time —

**Ms Rankin:**

We sat in court —

**Ms Reid:**

So, you were notified because you were there.

**Mrs McElkearney:**

Yes. Every time we went to court, they told us when the next court date would be and whether it was a mention or a trial date or whatever. Other than that, no one told us.

**Ms Reid:**

Did you also have that experience, Rhonda?

**Mrs John:**

Yes. I normally phoned the witness service, and the people there checked for me. We also had two officers on our case: Paul and Silvia. When Paul was on the case, I more or less told him the dates, but when Silvia came on to the case, she was 100 times better. She talked to us more, even about small things. She phoned us and gave us her mobile number. We thought that that was absolutely brilliant, but the lead-up to the changeover was absolutely horrendous.

**Ms Reid:**

It sounds as though you have become quite expert in the system, but can I take you back to the first day in court, to the trial? Can you tell us what that felt like?

**Mrs John:**

I had to get special measures. I was not actually in the courtroom.

**Ms Reid:**

Can you say what those special measures were, Rhonda? How did they work out?

**Mrs John:**

The special measures were as follows. Paul, the police officer, was meant to do the application. However, each time we went to court, the trial was always put back, and nothing was ever done. I did not know whether I was getting those special measures. Even though my doctor wrote all the letters that were needed and did everything that was needed, I was always told that if I did not give evidence in the court, that would be it. It would be over and done with. I would not get a second run at it. So, I thought that I was being picked on because I could not take the stand. It was not until Silvia took over that things started to move forward with the special measures. So, when special measures were in place, the witness service showed me what would happen, and that made me feel a lot better.

**Ms Reid:**

You were told that you would only have one go in the court. Who was saying that?

**Mrs John:**

I was told that by Paul McConnell's boss. He said that if I did not get special measures and could not take the stand, that was it. My charges would be dismissed and would be thrown out of court. I was devastated. I thought that because I was not strong enough to take the stand, my uncle would be able to walk away.

**Ms Reid:**

What was the other option? What were the special measures going to mean for you? What difference did the option of not being in the court mean for you?

**Mrs John:**

I was always quite strong. However, with all the intimidation that I got, I knew that I could not do it. So, that is why the special measures helped.

**Ms Reid:**

So, you were going to be in another room and there was going to be a video link to the court?

**Mrs John:**

Yes.

**Ms Reid:**

Did that work?

**Mrs John:**

Yes. It was absolutely brilliant. It was really good.

**Ms Reid:**

Good.

**Mrs John:**

It was also arranged that I could come in by a back entrance and did not have to be in any of the rooms that they would be in. It became, for him, a family day out. I did not have to see any of

that. I was brought in by the back entrance, which was good.

**Ms Reid:**

So, what was it like coming in the back way?

**Mrs John:**

It was easier than facing the mob at the front. So Paul, or whoever, would come down to bring me in the back way.

**Ms Reid:**

Will you talk us through that? Can you help us see what you saw on your first day?

**Mrs John:**

I had to come in through the big black gate at the back. The first day was terrifying. The supergrass trial was on, so it was chaos. I was with my mother, who is very dramatic. Going through it was quite frightening, but we got used to it. We knew after that to come straight through the gate and wait, and witness service would come down. So, after a couple of days, we were quite happy to go in and out that way.

**Ms Reid:**

So, you came into the court and then where did you go?

**Mrs John:**

We went up through court 11 and into witness service. We stayed there all day. Then, we were taken out in the evening the same way.

**Ms Reid:**

Emily, can you remember the first day?

**Ms Rankin:**

I remember every day of it. I have no memory of anything in my life except things to do with the court. That is it. I have no memory of what happened yesterday but I can remember the court. We were on at the same time as the supergrass trial. It was a bit daunting, walking in on that first

day, because there were so many armed police around the front and so many supporters of the people who were in court. There were armed police on the fourth floor as well. There was a big crowd milling around. You were in court 11, Rhonda; they were in court 12, and we were in court 13, so we were all beside one another.

**Mrs John:**

Yes. That is right.

**Ms Rankin:**

It was a bit daunting at the beginning. The courts were locked until the trial. We went in and, as I said to somebody, the only exercise that we got during the whole trial was walking up and down the 92 stairs to the fourth floor. We are a big family and we supported one another a lot. There were about 40 to 50 of us, and the court only had 50 places so that was a good idea. There were 40 to 50 of our family there every day, so everyone supported each other and we formed a big group. However, we had to stand outside.

Rhonda said, in passing, about having to be taken in by the back entrance because of the nature of the case. There is a total lack of privacy for victims and their families. People were being briefed in the corridor; everybody was talking about things there. There was a lack of resources. There was a lack of space to get away and to escape when we were dealing with very emotional stuff.

When we went into the court, the police were there, but this was the fourth or fifth time that we had been to the start of the trial, if you know what I mean. That was our first time in Laganside as we had been at Craigavon before that. We had gotten used to it because we had gone to court all the time. We had been in courts 11 and 12. We had never been in court 13 but we had been in the other two quite a lot and that was really helpful to us.

Victim services showed us round Armagh Court. We were supposed to be at Armagh Court but our case was moved because the Jennifer Cardy case was scheduled to be heard there at the same time. We went in and sat there one day when it was empty. That was helpful because the surroundings are intimidating but if you get used to them, you can concentrate on what is going on. That was OK.

**Ms Reid:**

You mentioned lack of privacy. How did that work out on a day-to-day basis?

**Ms Rankin:**

In the early days, we had 17 months in the Magistrate's Court. We had four or five months in Newry and then the case was moved to Belfast. The barristers were assigned at the end of the process in the Magistrate's Court. Looking back, we did not fully realise how the process works. We know that, in the Magistrate's Court, the duty prosecutor will have a list of 40 cases that he will rattle through not knowing one case from the other. That was very frustrating for us.

However, when the case got to the preliminary enquiry (PE) stage and then to arraignment stage, barristers were assigned and the prosecution took a more focused look. At that point, the barrister came out and asked for the Rankin family. He said that he wanted to talk to the Rankin family, and we were standing in the corridor with 30 people around. The barrister briefed the family on very sensitive issues, and the family — and anyone else who happened to join in — was listening to that briefing. Anybody walking past could hear.

All the time we were there, all through the court process, the defendant was sitting among us, right up until the trial. She sat beside us in the court, and outside the court, she walked into Laganside staring us down, so that kind of lack of separation —

**Mrs McElkerney:**

She followed us into the toilet.

**Ms Rankin:**

Oh, yes, that was a good one.

**Mrs McElkerney:**

It was playing games, really.

**Ms Rankin:**

We found the lack of separation between the defendant and the victims or family of the victims

quite difficult. When the defendant was being briefed, she was taken into a consultation room, but family were being briefed in the corridors. We complained about it. We insisted on getting somewhere private, but that was not the norm. Barristers talked to family or victims in the corridor outside the court, if they talked at all.

**Mrs McElkerny:**

That was a concession to us because we were told at one stage that the senior counsel does not speak to the family or relatives. We said that we would not accept that, and they said that that was fair enough, so we were introduced and briefed after that, but only because we insisted and we would not accept what we were told.

**Ms Reid:**

Rhonda, did you have any experience of a lack of privacy in your process?

**Mrs John:**

I did not find that so much, but my three sisters did. It got to the stage where they had to come back into the witness room, and I think that Paul was asked to escort them outside because of intimidation from the family. They found that really bad. I had to get the police because when I came out the back way, the family made a direct route for me and we had to hide in a cafe. I had a non-molestation order taken out against this person, so that helped, but there was a lack of privacy. It was not too bad for me because I was in the witness room, but when my sisters were talking to people, it was more or less outside.

**Ms Rankin:**

I think that there is an imbalance of resources. The defendant has rights, and that is how it should be. The defendant has a right to a fair trial, and I am fully in favour of the rights of defendants, but that should not entirely exclude some rights for victims and the families of victims. That is really important. It is not an either/or, it is a both.

**Ms Reid:**

You mentioned the preliminary enquiry. What was that like?

**Mrs McElkearney:**

It was like everything else; it did not follow the normal pattern. We went on the day that the PE was supposed to take place and just before we went into court, we were told that it would not be happening and that there would be a preliminary investigation (PI). We had been talking to our friend, the criminal lawyer, who had said that there was a very slight chance that there would be a PI. Of course, it never happens that there is a PI — but, it happened. It happened literally as we were walking into the Magistrates' Court: someone came over and whispered to us that there would be a PI.

**Ms Reid:**

What difference did that make to the process?

**Ms Rankin:**

It delayed it. We were given another date for the PI. Every time we went to court prepared for what was going to happen, something different happened. We were never told because, apparently, the defence never does anything until the very last minute. If something has to be submitted on a particular day, it is done at 4.30 pm at the close of business. If it has to be in by the next morning, it will be submitted at 9.00 am that morning. We found that sort of tactic very frustrating, and it happened consistently throughout the case. We went in prepared for the PI; we got ourselves all psyched up. They were going to call the pathologist, which was quite daunting for us. We read the pathology report because we persuaded them to let us read it.

**Mrs McElkearney:**

We were not going to get access to that either but we said that we did not want to hear it for the first time sitting in a public court — we needed to be prepared. They gave in and gave the report to us.

**Ms Rankin:**

We went in expecting them to call witnesses, and we were told on our way into court that she had changed her legal team again. The new legal team, which had been changed that morning, said that they did not want a PI and that they would have a PE instead, which was the normal way to proceed. We went to the PE — to the arraignment. It was as though we were being battered

down by all the tactics.

**Ms Reid:**

We joked on the way over that you are experts on the system, which you clearly are. Would you like to help us to understand the difference between a PE and a PI?

**Ms Rankin:**

When a case goes to the Magistrates' Court, the magistrate will say, at some point, that there is a case to be answered. There is an arraignment and the person is charged. He or she pleads, and the case goes to the Crown Court.

I am not exactly sure what happens in the case of a PI. At a PI, the magistrate says that he needs to look further into the matter. The defendant can ask for a PI and can ask for some of the evidence to be presented in open court. That would not normally happen because the Magistrates' Court cannot deal with a murder case. At that point, we were not having bails; no bails were coming up and there was an argument that there was no case to answer. At that point, the defence was trying to prevent the case going to the Crown Court by saying that there was no bail.

**Mrs McElkerney:**

It was a waste of time and everybody knew it. It was a tactic and it was a waste of funds, of our time and everybody's time. Obviously, there had been a murder and there was a case to answer. It was ridiculous.

**Ms Rankin:**

I understand that, in England, for example, a case would go straight from the Magistrates' Court to the Crown Court on the same day. There is a very striking parallel with the Joanna Yeates case. Her body was found on Christmas Day 2010. Mummy's body was found on Christmas Day 2008, two years earlier. Both murderers were sentenced to exactly the same sentence on the same day — 28 October 2011. In England, it took 10 months, but in Northern Ireland, it took two years and 10 months. In our case, the murderer was arrested less than two days after the body was found. In Joanna Yeates's case, it was later than that. So, the time had nothing to do with

the investigation: it was to do with the process.

**Ms Reid:**

I told you that you were experts. I heard people describe the preliminary inquiry as almost like a trial within a trial. Have you had that experience, Rhonda?

**Mrs John:**

Not really. At that time, we had Paul on our case. We were not kept up to date with anything, so we were not told anything. We knew absolutely nothing.

**Ms Rankin:**

Am I right in thinking that that is the case?

**Mrs McElkerney:**

Yes. It is like a mini-trial. The defence says there is no solid case against its client, and the prosecution has to prove that there is. At that stage, however, there are not even barristers appointed by the prosecution side. They are only just about to come on board. So, it is the duty prosecutor who has the files and is flicking through them.

**Ms Rankin:**

He asks: "What is the cause of death? What is the woman's name?" It is very frustrating.

**Mrs McElkerney:**

They then have to prove that there is a case to answer, so they have to present a certain amount of evidence. So, it is like a mini-trial. They have expert witnesses, not any of the family witnesses. It would be for a pathologist to speak about the injuries. At one stage, the question was asked as to whether a murder had been committed. Those were the sorts of questions. It was for the pathologist to say that the injuries were consistent with a violent attack and not a fall.

**Ms Reid:**

They do not have PIs in England and Wales any more, do they?

**Ms Rankin:**

I do not think so.

**Ms Reid:**

It is just here.

**Ms Rankin:**

They do not have them very often here either, I think. It is just another stunt.

**Ms Reid:**

I am guessing that this will be a big issue, but was there anything you wanted to know but could not get an answer to? That might be the title of your story. What jumps into your mind in response to that question?

**Mrs John:**

We just wanted to know what was happening along the way. We never got any replies. We phoned and left messages but nobody got back to us. We were told absolutely nothing the whole way through. We got to the stage that when we did phone to ask the person in charge of our case, he could not be bothered to listen to us, saying that he was busy and would get back to us, but he never returned any calls.

When we found out about the witness service, they did help us to find out what was happening in court, and we knew a bit more. However, we then started to know a bit more and when we phoned the police officer in charge, he knew that we had a bit of information, so he had to tell us more than we already knew. At times, however, I was telling him when the court cases were happening, and people were stopping me in the street and telling me. That was not very good.

**Ms Rankin:**

Lack of communication was the big thing. As Mairead said, a family friend gave us the list of the processes at the beginning. That was really helpful and should be given to everybody involved in a case.

As our case involved the murder of an elderly woman, and everyone has a granny or a mummy, I think that we got a lot of sympathy from the people involved. Maybe we were pushing at a slightly more open door but we needed to keep at it. If we had taken advice in the early days, we would not have gone along. We were told to put the case to the back of our minds. Nobody can put a serious crime to the back of their mind.

**Mrs McElkerny:**

Another choice quote was: “Do not to get hung up on the legal processes.” That is what we were hearing all the time.

**Ms Rankin:**

We were told not to go to court because we would not understand it. That is insulting.

**Ms Reid:**

You told me a lovely story about the comparison with the 11-plus.

**Ms Rankin:**

I do not know how public I should be. There are no names attached, but we were told by a person involved:

“Don’t be worrying about the legal process. Leave it to us. When I was doing the 11-plus, it took over my life, but after I did it, I just had to walk away and leave it until the results came out. That is how you should treat the case.”

That was so insulting.

**Mrs McElkerny:**

In his eyes, our mother’s murder was the same as doing the 11-plus. It was just ridiculous at every turn. Initially, we found that we could not get any information. Karen Walsh and her two barristers were in court for every appearance. We went in, and the duty barrister for the Public Prosecution Service (PPS) was a different person every time. There was nobody to contact.

The police said that they had written up the case, that everything was in there, that there was nothing more to do and that they were ready to go court with it. They said it was in the hands of the PPS but that nobody in the PPS was taking responsibility for it; it just sat there and got taken

out every three weeks in the Magistrate's Court. At that stage, we were asking whether anybody was taking it seriously and whether anybody was doing anything. That went on for 17 months.

Then, there was the arraignment, after which the barristers were appointed. At that point, we thought that there was somebody to talk to, so we made connections with the barristers. However, they really did not want to know: they said that it was not their role and that they did not communicate with the family. We see now that it actually was not their role in the earlier stages. However, it was somebody's job, and nobody told us.

What we did not know was that behind the scenes, there was the equivalent of a solicitor on the defence side putting the case together for the PPS. Once we found out who that was, made the contact and talked to that person, we built up a really good relationship. We were able to phone her, and she phoned us and kept us informed of anything that was happening. Knowing that somebody was doing something settled us and made us feel like the case was being taken seriously. However, every time we contacted her, she said that she was doing us a favour. She did meet us; we went to the prosecution offices and she met us quite a few times and kept us up to date. She was really nice but she said that her bosses were not happy, that what she was doing was not the norm, and things such as that. However, we needed that service.

**Ms Rankin:**

The point that we are making about the need for a liaison at the very beginning is that there is an absolute gap in provision. When we got to the end of the process and looked back on how the prosecution did its job, we had no criticism of the prosecution apart from its communication. They did a good job in this case and they were working away, but we did not know that. So, we were flailing about during the most emotional time of our lives. We are not the people we were three years ago. What happened has fundamentally altered all our lives.

Fortunately, there was an outcome in our case. We might not have felt this way had we not got the outcome but we can look back, understand and recognise that people were doing us a favour. It is just that there is a gap: there needs to be someone who explains why something is being done a certain way.

You asked about witnesses. All family members gave witness statements lasting hours and hours, and then they were called in court. People were very apprehensive; they did not know what they were going to be asked. It was three years since they had talked to the police, and everybody was very worried. We asked about that and were told: “We don’t coach witnesses”. That was it.

**Mrs McElkearney:**

They took an achieving best evidence (ABE) statement, which is massive and takes you through a whole wandering thing. They say that they will call you to the witness box to ask you about things but they do not tell you what those things are beforehand. They said that they would give us our statements on the morning that we took the stand. However, the first day of the case moved more quickly than expected and my sister Brenda, who was in the house, got called and never got to look at her statement. She made that statement on St Stephen’s Day 2008 and she took the stand on 14 September 2011. She did not have a clue about what she had said. She had talked about the neighbours and the family; she had done a three- or four-hour video interview, which would have involved a lot of writing to transcribe. She had no idea what she would be asked about, and they gave her no indication.

The same thing happened with me. I had given a statement two months after the murder. My statement was part of the second group of statements, so it was not to do with the actual event; it was to do with mummy’s medical condition. Again, it was a long three-hour statement on video. I was asking myself what I had said. All I got from them was: “Just answer honestly.”

We listened to witnesses who were not prepared. You can see why they do not tell you what they are going to ask you: they do not want you to rattle things off as though you had learned them. They want you to tell things honestly and as you remember them. It was just that no one explained that properly either. I was frantic before I went on as I did not know what I would be asked.

I was told that I would be on at such and such a time, but the next minute, I am sitting in the public gallery and they call me. I did not think that I would be on until the next day. It is a very weird experience. You feel very vulnerable and out of your depth. It is a very strange

experience.

**Ms Rankin:**

We understood the process after the event. When people were anxious and asked for advice, they should not have been told: “We do not coach witnesses; end of story.” People should have been told: “It is better if you just answer the questions.”

**Mrs McElkearney:**

They should have been told: “we will direct you and keep you right.” The prosecution asked you things and guided you along, and you knew what they wanted. It was not a big, wide interview. They focused in on things, and you were able to answer them. I just felt before I got up that I had no idea. I did not know whether I would be able to answer and I worried that I would not be able to remember.

**Ms Reid:**

It sounds like the outcome could have been as effective with a lot less anxiety for you.

**Mrs McElkearney:**

It would have been better if someone had explained.

**Ms Rankin:**

It is this business of the communication gap. You need reassurance and to know the details. You need to be kept informed if you want to be informed. I imagine that some people do not want to know but most people would probably want to know. You have a right to that. You are a key person in the trial: either you are the victim or the family of the victim. It is important that the system includes you.

**Ms Reid:**

Rhonda, does that resonate with you?

**Mrs John:**

I went through something similar. I would also like to say that I find it very strange that my uncle

was driving about, doing anything that he wanted and going where he wanted. My sister did a lot of power walking. She was walking along a country road and had her child in the pram, and he went so close to her that she had to go up the embankment. We phoned the police officer in charge and asked about his bail conditions. We were told: "I do not exactly know. I will get back to you." We still do not know. It is such a breakdown. It could have made things a lot easier if things had been explained a lot more.

**Ms Reid:**

It is also that things are not joined up. Information comes in bits and is not passed along.

May I ask you about victim impact statements? Did anyone talk to you about the process for giving a victim impact statement?

**Ms Rankin:**

We submitted victim impact statements. The judge embarrassed the hell out of us by saying that they were very long and carefully constructed victim impact statements. It was very difficult. We wanted to do it because, in all that time, it was the first chance that we had to tell our story. We were totally constrained all the time that the trial was going on. We could not say anything to anyone, as we were terrified that we would prejudice the outcome of the case. We were warned not to say anything. Therefore, we had a pent-up need to talk.

The police did the victim impact statements with us. We had not realised that that would be the case. We initially thought that we would write the statements ourselves. Anyway, in the end, the police did them with us in what was like a police interview. The statements were very long and very detailed.

It was a necessary process but it threw us right back to the beginning. In doing the statements, we had to relive the event almost. We had been dealing with a process, and mummy's murder had almost got lost. In fact, mummy had been completely lost in the process until we went to trial. You remembered when family members started talking about it. It was the Crown v the defendant, and the victim does not even feature in the name. Mummy's name was never mentioned.

However, when we got to the victim impact statements, we were thrown back —

**Mrs McElkerney:**

The police sat down with me one time and asked me to go back to Christmas Day and tell them how I felt. That was the first time that anybody had asked how I felt. You get caught up in the legal process and you focus on the process and not the actual event. You sort of tuck that away, and through the victim impact statement, you have to relive the horror. It was difficult to do that, but they did go through it meticulously and record everything. It was very much like giving a statement.

**Ms Reid:**

What was explained to you about who else would have access to that statement?

**Mrs McElkerney:**

We researched everything. We had been on the internet and had read judgements from cases in which the judge had quoted from statements. So, we knew that bits of it could be used by the judge, and we said that there were certain sensitive things that we did not want recorded in the public domain. However, we had prepared ourselves.

**Ms Rankin:**

We were surprised to hear that the first place that the statements went to was the defendant's team. That took us by surprise because apparently they go through the statements to black out anything that might be prejudicial to their client.

**Mrs McElkerney:**

They can censor our statements.

**Ms Rankin:**

We found that quite shocking, but it was a good process.

**Mrs McElkerney:**

If you say anything and they do not like it, they will censor it, and statements go to the judge with

blanked-out bits. It was just like sending letters during the war. That was quite strange.

**Ms Rankin:**

We found that strange. We knew that we could make them because we kept being told that we would have our say when we made our victim impact statements. It was a bit daunting to be told that the first people to see the statements would be the defence team, but we did make them anyway.

**Mrs John:**

So, a victim impact statement is not really worth the paper that it is written on?

**Ms Rankin:**

No, it is very important.

**Mrs McElkerney:**

They carry a lot of weight.

**Mrs John:**

It is just anything that you want to say and they do not want it to go across —

**Mrs McElkerney:**

No, they cannot take stuff out willy-nilly, but if you say anything derogatory about the accused — she is not the accused any more — they can block those types of things.

**Ms Rankin:**

They are looking at the impact on you. They are not looking for you to say what you think about the person who committed the crime.

**Mrs McElkerney:**

They can censor it to a degree, but you still get your say, and from what we heard, the judges apparently take the censoring into consideration. It is the only time that you get to tell your story.

**Mrs John:**

I have not done mine yet but my three sisters have done theirs. They found it horrendous but they had to go through everything.

**Mrs McElkearney:**

It is difficult.

**Ms Rankin:**

It is very hard, but I think that it is worth doing.

**Mrs McElkearney:**

It is very difficult because it is very emotional, and you have to open up and go back to everything. Whereas you can talk like this about the things surrounding the case, your victim impact statement has to be on the nitty-gritty of what happened. That exposes you and leaves you upset.

**Ms Rankin:**

We had to deal with crying police officers as well.

**Ms Reid:**

The police officer got upset?

**Ms Rankin:**

The police officers were very upset.

**Ms Reid:**

Just for the record, in Northern Ireland at the minute, although work is in progress, there are no guidelines on how a victim impact statement should be processed and structured. That is separate from the victim impact report, in which a psychiatrist or psychotherapist prepares an assessment. It sounds as though you have experienced the system trying to make do and mend without having proper —

**Mrs McElkerney:**

We had been told that we would write a statement. We asked whether we would do that as a family or as individuals, and we had different answers throughout the time. We had been making occasional notes here and there, and the next thing was that we were told that we would be doing our victim impact statements, starting with you, and then you, and that was it. It was each of us individually and a police officer for a full day of recording. There are eight of us.

**Ms Rankin:**

It took a week and a half.

**Ms Reid:**

Goodness. What information did you and your sisters receive about how the statements would be used in the decision-making process? Was that clear?

**Ms Rankin:**

We knew that the statements would go to the judge and that he would look at them as part of the package of items that he considers before sentencing. As you said, the judge can get probation reports, psychiatric reports, etc. We were told that he would read the impact statements as part of that package. The judge has sentencing guidelines, at least in murder anyway. I do not know about other cases; we have confined ourselves to the murder case. There are sentencing guidelines about where to start, and there are mitigating circumstances and aggravating circumstances. The judge, in making a decision on sentencing, can take such things into consideration. He certainly quoted extensively from them in his sentencing report.

**Mrs McElkerney:**

He quoted a line or two from every single one of our statements. He went right through them all.

**Ms Reid:**

How did it feel to hear that?

**Mrs McElkerney:**

It was good.

**Ms Rankin:**

It was good to know that somebody took notice without us battering down the door.

**Mrs McElkerney:**

We trailed in and out of court endlessly. We sat in the public gallery and it all played out in front of us. We walked out again and we wondered whether anybody even knew that we were there or that we existed. We just sat there, time after time, wanting to say that we could tell the court the details. When they were talking around the subject, I just thought that they should ask me. After all, I know what was in the room. I know what it looked like.

**Ms Rankin:**

We learned to sit very still and very quiet.

**Mrs McElkerney:**

It is court etiquette.

**Ms Rankin:**

You do not show any emotion; you do not move.

**Mrs McElkerney:**

You have to switch off your mobile phone. You do not cough. You do not ever look at the defendant. You do not write notes.

**Ms Rankin:**

One thing that we were told is that you do not write notes. The press are busy scribbling away, but you are not allowed to write notes. We found that quite strange.

**Ms Reid:**

What about you, Rhonda? Do you know what information your sisters got about how their victim impact statements could be used?

**Mrs John:**

A new officer called Sylvia took over our case, and she was absolutely fantastic. She kept them completely up to date, so they knew exactly what was happening. I was not part of that bit. I did not really want to know.

**Mrs McElkerney:**

It seems to be very much hit and miss. It seems to be down to individuals. If you happen to get somebody who is sympathetic and good, you will get the information.

**Mrs John:**

Yes.

**Mrs McElkerney:**

It is very much hit and miss. Information is not freely available. You have to dig for it and build up the lines of communication.

**Mrs John:**

The officer was absolutely brilliant but she came in at a later stage. We were almost getting our court date, which we found very frightening. We were thinking that she would not know everything that had happened to us and that it would not work. As soon as we met her, we were put at ease. She did more for us than Paul did over the years. Unfortunately, we have to go back to court, and Paul has come back off the sick. We do not know how it will go.

**Ms Rankin:**

Make sure that they tell you. You know now; you have the experience. As you go through the process, it is completely alien to you. It is a world that you have never had anything to do with. You learn, and you come out the other end. Everything is new, and you feel that so many simple things could ease people's passage through the process.

**Mrs McElkerney:**

That is why we feel that we have gained so much knowledge of the whole thing, and it is really good to get an opportunity to pass that on. We would love to be able to use the knowledge that

we have gained to help other people. It is simple; it is not rocket science. Very simple things would make life so much easier for people. Just having a link would be a big start.

**Ms Reid:**

Did you receive any support along the journey, outside your families and friends?

**Mrs John:**

No. I received support only from the witness service. I definitely did not receive support from anywhere else.

**Mrs McElkerney:**

Some of our family got counselling. I was attending hospital at the time because I was sick, and the hospital organised that for me. My employer organised for a couple of people and a short series of six counselling sessions.

**Ms Reid:**

So, no one asked how you were doing as a result of your involvement in the criminal justice system? You said that no one asked you how you felt until you were doing the victim impact statements.

**Ms Rankin:**

That is another gap, because we are all affected quite seriously. We are suffering from the effects of prolonged and severe stress. This means that you cannot work properly and you do not function. As I said, I can talk forever about the legal process but ask me what I had for breakfast and I cannot remember. I cannot plan and I cannot make decisions. There are a whole lot of quite standard effects from prolonged stress. Individuals have sought help and have had to get assistance. We are lucky in that we have a big family and have supported each other. When one was down, they could be propped up by the rest. These things have very long-term consequences.

**Mrs McElkerney:**

As there are so many of us, we are suffering the same types of problems with memory,

concentration and decision-making. We know that that is normal and that it is a process that you go through.

**Ms Rankin:**

We know that we are not mad.

**Mrs McElkerney:**

If there were not six of us phoning each other every night saying that we have had a horrible day at work and cannot think, we really would think that we were going mad. I told my counsellor that I felt that I was losing the plot. He said that he could lift down any book and it would say that that was normal for someone with stress.

**Ms Rankin:**

For example, you cannot cry over the big things but you will fall apart over dropping something. It is like everything in your life is out of place.

**Mrs McElkerney:**

Initially, my employers were very understanding and accommodating but the length of the process became a problem. I am a nurse and I am not working in my role. I have not done a day's clinical work since it happened. I am doing administration and bits and pieces of research. I cannot take responsibility for a patient. I assume that I will start to unscramble my brain and get back there, but my employers have run out of patience. I am feeling a bit of pressure at work. They are paying me as a nurse and I am not fulfilling that role.

**Ms Reid:**

It makes you realise the ripple effect.

**Mrs McElkerney:**

It is huge. At the start of the process, I thought that it would last for a couple of months. Then it was six months, a year, and then two years. It is now nearly three years, and I am still bogged down in this limbo where I cannot move on. Maybe, we can start to move on now because we have had the trial and a satisfactory outcome.

**Ms Rankin:**

We do not know what is happening with the appeal. No one is telling us because we do not have links in that department. No one bothers. People find out for us, and something appears in the papers, so journalists know about it.

**Mrs McElkearney:**

We were told on the QT that the appeal had been lodged and not to let on that we had been told that. Yet, last night, it appeared in the 'Belfast Telegraph'.

**Ms Rankin:**

We are back to square one because we have moved to a different section. We have not yet got a name or a phone number, and that is another learning curve.

**Ms Reid:**

Rhonda, have you been through the process of a hearing and a sentence? Have you got to that stage in your journey?

**Mrs John:**

No, we have not got to that stage yet. Have we?

**Mr Nolan:**

Yes, you have. Rhonda's case is quite complex. There are four injured parties and 13 charges. Two of the charges received a not guilty verdict by direction. There have been seven guilty verdicts, and the other four charges resulted in a hung jury and will be retried.

**Ms Reid:**

The question that I was going to ask sort of answers itself. It is this: did you understand the sentence when it was given? Do you want to add anything?

**Mrs John:**

No, I do not think that I could.

**Ms Reid:**

What about the others?

**Ms Rankin:**

Ours is very straightforward.

**Mrs McElkearney:**

We had read the sentencing guidelines. The judge's sentencing statement was comprehensive. He was very good and made sure that we got a copy of it immediately. The police got a summary and we got the detailed copy.

**Ms Rankin:**

That was really good, although I completely fell apart after the sentencing. Until then, I had held it together.

**Ms Reid:**

You talked about that journey and about having your life on hold all that time. What did it feel like to get to that point? People who have not experienced that often look in and think that that must be the end.

**Ms Rankin:**

No, it is the beginning of the unravelling. We could not believe the guilty verdict. Your rational mind says that the jury has returned in a very short time and could not possibly give a not guilty verdict because they would have had to argue about that. You hope and hope but are still afraid to hope. The guilty verdict is given, and then you are away again for another month. We came back to what we were expecting to be a sentencing hearing, but it was another delay, of course, which is normal.

Everybody came over again on the Tuesday and had to go away again and come back on the Friday. The judge did the sentencing report on the Friday. We listened, and it was a long sentence. We were very pleased about that. I then came out of court and completely fell apart. I

started to cry. I had not been crying; I had held things together mostly very well but I cried and cried and then I had to go to talk to the press.

The press were very good to us. Walking in front of cameras all the time was very daunting. At one stage, we came out and the cameras were there and we walked the other way, but they just followed and got us anyway. We did that for a little while and then we just walked up to them. However, the press in general were very good. If anything, we were terrified and did not say anything to anybody. We tried to be ready for all eventualities after the verdict and had several statements prepared. We did not want to get caught out because we did not know how emotional we would be.

We read a statement for the press. The police press officer, Ken, asked us whether we wanted to take any questions, and we said no. The press were really good: we read our statement and they left us alone. After sentencing, they did ask some questions but they were not terribly intrusive. There was then a five-day blitz when we were reeling with shock. However, we figured that we had better talk because if we did not do so, they would print it anyway. We found that that happened, because some magazines printed their versions of the story. We refused to speak to magazines. We drew the line and said that we would deal with news but not entertainment, but some magazines printed stories anyway. We talked because we thought that if we said it, we would be telling it as it was.

We did that for about a week and then said that we wanted privacy after the sentencing, and they did not bother us again. That was really good. We were really shown respect by the press.

**Mrs McElkerney:**

When it comes to the press, that is one thing that is better in Northern Ireland.

**Ms Rankin:**

It would be horrible if you were in England.

**Ms Reid:**

Did you have that experience with the press, Rhonda?

**Mrs John:**

I did not really see anything of the press, but my sisters said that the police press officer was absolutely brilliant. He did not fail us in any way. I did not see him, which was quite good.

**Ms Reid:**

Did anyone talk to you about criminal injury compensation?

**Mrs John:**

The new officer, Sylvia, told us where we could find out about that but we have not done that yet.

**Mrs McElkerney:**

We filled in forms with Victim Support in Newry perhaps a month later.

**Ms Rankin:**

They filled in the forms for us, because we did not know what we were doing.

**Mrs McElkerney:**

There have been times when we had several letters with forms that were difficult to fill in. The forms are more for victims, but we are the family of a victim.

**Ms Rankin:**

We did not fit the forms. We filled them in, but I did not think that they were very relevant to us, to be honest. More recently, they have sent out forms —

**Ms Reid:**

— that are more relevant to some of the families.

**Mrs McElkerney:**

I filled in one of those forms.

**Ms Rankin:**

Victim Support approached us about that, which was helpful. During the process, when you get a letter — any letter — you do not know whether to open it. If my bills had not been paid by direct debit, I could be in the horrors at this stage. When you open a letter, you cannot process it, because stress takes away your ability to process difficult information or to fill in forms. It is almost impossible, and that is when you need help. Every time I got a letter from Victim Support, it worried me. I would put it away and read it a month later, and it would say that it had to be returned two weeks' previously. I am not like that; I am always so organised. You are a changed person when you are in this kind of environment. That is when you need someone who can help.

**Ms Reid:**

The criminal injury compensation process is ruled by deadlines. There is the two-year deadline —

**Ms Rankin:**

That is why she put the forms in for us; that was good.

**Ms Reid:**

I am conscious that we are still working you hard. We will have a break soon. I want to ask you about your post-trial experience. Has anyone talked to you about, for example, the prisoner release information scheme or how to find out whether someone has been released?

**Mrs McElkerny:**

They gave us our forms on the day that she was convicted.

**Ms Rankin:**

That was the most efficient part of the process. We got a letter back to say that we were being considered, checked out or something like that. I do not know what that is exactly. That was something that we did not know about and did not ask for.

**Ms Reid:**

That is really telling. Due to data protection, the police hold the contact details of the victims of crime. When people such as you have got to the stage in the process that you have reached, a complex list of permissions have to be gained before you can be offered the opportunity to register for information on prisoner release. If the prison information scheme does not have permission to contact you, you will not be contacted.

One point that I was trying to allude to earlier was about the cost of the system at present. The police generate approximately 2,000 letters every year to try to get information out to people such as you. As you described so powerfully, you are getting that information at a time in your life when you do not want to know or hear any more questions or think about any more registers to be on. It is no wonder that only one in four people who have experienced the sort of crime that you have experienced will sign up for the scheme.

It is an honour to be trusted by people such as you and to be allowed to offer the support that we do. In a quick straw poll that we conducted in our offices a couple of weeks ago, we discovered that each office had a live case involving someone who had phoned up distraught and upset because they had seen the person walking down the street and it was the first that they knew that the person had been released. We have this big, bureaucratic system that must be difficult to administer but it is not delivering what people such as you need.

**Ms Rankin:**

That is why we need someone who could look after our interests and link with the various parts of the system. That would be really helpful.

**Ms Reid:**

That brings me to my last two questions. I am sorry; you must feel as if you have been interviewed. You have all got the job, by the way, anytime.

**Mrs McElkerney:**

We know the topic.

**Ms Rankin:**

It is the only thing that we know anything about.

**Ms Reid:**

To summarise, you have painted a fantastically colourful and vivid picture of your experience. We have probably touched on this point already, but what do you think would have made a difference to you?

**Mrs John:**

I think, having someone there from start to finish, and who you could connect with when things went wrong. I had so many things happen at my house, even after I moved twice. Every time I phoned the police, a different officer came out to me. In the end, I felt that what I was saying was going over their heads, because there were so many things happening. If I had someone I could relate to and tell what happened, they could forward that information to the person who needs to be contacted. It would mean that I would be kept informed about what is happening and where the complaints are going.

The police have apologised to me for not doing anything, but it is too late. They should have addressed the problems at the time. As you said, having someone there who you could phone and talk to would make the process so much better.

**Mrs McElkerney:**

We had a very good experience with the police, but the liaison officer was not available. There was a gap there, which we bypassed by contacting the police who were working on the case directly. They gave us their numbers. There needs to be someone who liaises with the family, especially when it comes to the legal process, and links into the PPS. That is where the gap is. There is nobody to tell you how the system works.

**Ms Rankin:**

The PPS is where we identify the gap. As Mairead said, we had a good experience with the police giving us information. However, that may have been due to the nature of the case. The big gap that we identified was in the PPS and in the fact that there does not seem to be anybody in

the organisation who has responsibility for that kind of liaison. It does not have to be a solicitor or a police person —

**Mrs McElkerney:**

It would be better if they were.

**Ms Rankin:**

It probably would be better. It has to be an informed person who knows the process and has a right to link into those bodies and has the right to information.

**Mrs McElkerney:**

Our police liaison officer was not told anything. In the end, we spoke to the police who were involved in the investigation. Everybody bypassed him, including us in the end, because we were getting no satisfaction.

**Ms Rankin:**

That is not to say that he was not a very helpful person.

**Mrs McElkerney:**

He was lovely but he just did not have the clout. Nobody listened to him.

It is probably better if that person is not a member of the police because the police are not acceptable to everybody. Our experiences were good, but in other cases, the police do not engage as well. What we need is somebody who can make the link between them and us.

**Ms Rankin:**

It might cost money to provide that but it would probably save money on all the phone calls that Duncan answered. We were regularly writing letters to the PPS: I looked at my computer and saw some of the letters that I sent to the PPS. When things got really bad, we got the family together, wrote down our problems and sent them off to the PPS. We had continual correspondence with the PPS.

**Mrs McElkearney:**

We wrote to everybody until we found out who was dealing with the case, which was kept secret for nearly two years. Until we made that link in the PPS, we wrote letters to the southern area director, etc, and copied others in on them.

**Ms Rankin:**

In the end, it was easier to talk to us than to not; that was the bottom line.

**Ms Reid:**

Is there anything else that you want to see changed?

**Mrs John:**

I felt like a victim all over again. I never got any support when I wanted support. We have been through more than half of the trial. We have three weeks in which we have to go into court, which has nothing to do with the Crown Court case. We feel like victims again because there are 42 non-molestation orders, half of which are against me and my sister. Some of them are against my sister in England. There are orders against me for looking at the man when he was in the same street as me. My sister lives in England and does not know the aunts who have taken the orders against her. To me, that is a big waste of money and time.

I want someone who I am able to talk to, instead of running up and down to Belfast to the solicitors to fill in forms. If I had somebody to talk to, there probably would not be half of those molestation orders floating about.

I feel that victims are not supported, but abusers are. I feel that abusers have more rights than victims. As a result of those orders, he decides when we have to go to court, and it is as though he is still controlling us.

**Ms Reid:**

Coffee and tea are available, and you probably need a break. I want to thank you very much for your assistance today. Paul, do you want to say a few words on behalf of the Committee about the ladies' participation this afternoon?

**The Chairperson:**

I want to thank you all very much. What we heard today was powerful, and it vindicates the Committee's decision to conduct an inquiry into this issue. Something needs to be done. However, you do not want to hear platitudes from us; you want change. I thank you for telling us about your experiences. I also thank you for your evidence, which will, no doubt, play a key role in the Committee's deliberations. Thank you very much indeed; I mean that sincerely.

**Ms Reid:**

The ladies have agreed to come back if the Committee would like to have a more involved discussion. However, equally, I am sure that they could do with escaping. Will that put the Committee under pressure? Do you want the ladies to participate in the next part of the discussion? Do you want to inquire, or would you be happy to continue your discussions with the staff from Victim Support? It is up to you.

**The Chairperson:**

Are you happy for us to ask a few questions on some issues that we would like to touch on?

**Mrs McElkearney:**

Yes.

**Ms Rankin:**

Yes.

**The Chairperson:**

If you do not want to stay, you do not need to.

**Mrs McElkearney:**

No; it is fine.

**The Chairperson:**

There are a couple of things that I would like to tease out, and then, if you want, you can leave,

and we can continue the discussion with the staff from Victim Support.

I am curious about your comment about court etiquette and the reference that you cannot do certain things in court. What did you mean when you said that the judge had:

“embarrassed the hell out of us”,

when he made his commentary on your victim impact statement?

**Mrs McElkerney:**

No; he was lovely.

**Ms Rankin:**

No.

**Mrs McElkerney:**

He was brilliant. We were led to believe that he was going to do the appearance and the sentencing on the same day, because we knew that the barrister was going away and would not be there on the Friday. However, when the judge got the information, he went through the — I am sorry; what way did he do it again?

**Ms Rankin:**

He got the defence information and ours.

**Mrs McElkerney:**

Yes, and he then said that he would not be sentencing that day and that he wanted to go away and consider those long and —

**Ms Rankin:**

— carefully constructed statements, and we were kind of cringing. When we said that he embarrassed the hell out of us, it was not meant in that context.

**The Chairperson:**

I was just trying to clarify your experience of the judge.

**Ms Rankin:**

The judge took us very seriously.

**Mrs McElkearney:**

He got to know us and he mentioned us all. We never met him and he never spoke to us, but I think that he could pick us all out by the end of the trial.

On the issue of court etiquette, we were coming out of court in Newry during one of the early hearings — it was one of the very first ones — and we came out across the courtyard, through the exit, turned left, and Karen Walsh and her solicitor were ahead of us. The car park was on one side of the street and her solicitor's office was on the other. We arrived back in the house and the phone rang. It was the inspector involved in the case, and he told us that Karen Walsh's solicitor had phoned the police to say that we were intimidating his client because we were walking too closely behind her and had followed her out of court. It was that sort of thing. Every time we went to court, she stared at us. She also played games with us by getting in our way or sitting in the seat beside us in the public gallery of the court. She was always kind of taunting us and looking at us. We were warned that we should not make eye contact with her or give her any reason. We were told that we could jeopardise the case, and that we had to be poker-faced, had to sit there and dare not show any emotion.

We were told by the Public Prosecution Service that if we heard certain things during the trial that upset us, we should leave the court. We were told that we should not be in the public gallery as we might distract the jury. If we were hearing things that were really bad, and the jury looked over and saw tears in our eyes, they would think — “God help them” — and would not be able to focus on the case.

When we were told that, we could see that it was a good reason, but before that, we were told to just sit there and not show any emotion. You began to think: “she can do what she wants; we are not the ones on trial”, but you definitely feel that you are the ones on trial and you are very

exposed.

**Ms Reid:**

There is a definite sense of etiquette in relation to what can and cannot be done in a courtroom. Perhaps you would like to contribute at this point, Alban. In one way, it is entirely appropriate, because we want it to be a very serious and grave process but —

**Mrs McElkerney:**

At one stage, I said that it was like a game of chess. They know the moves and they know the two sides. It is ridiculous.

**Ms Rankin:**

In a lot of cases, understanding why something is happening is the key point. If you understand why they have to do things such as saying that there is important information that the jury has to hear and there is no point in distracting them, you can understand that and you will behave. We said to the extended family that it was going to be a very difficult morning and that if they could not bear it, they should stay out. I am fully in favour of the rights of the defendant, but there are no rights for the victim or victim's family. That is the imbalance.

**Ms Reid:**

Would you like to take a comfort break?

**Mr A Maginness:**

I just want to ask a couple of questions. It was two years from the date of the murder to the date of the trial: is that right?

**Ms Rankin:**

It was two years and 10 months.

**Mr A Maginness:**

So, it was the best part of three years. The Joanna Yeates case took 10 months. If there had been a similar period for you, would that have made a big difference?

**Mrs McElkerny:**

It would have made a huge difference.

**Ms Rankin:**

It would not have screwed up all our jobs. People have gone into retirement, and there was loss of earnings and that kind of thing involved. We managed to get through the first 18 months because our employers accommodated us. You do need a certain amount of time; there is no doubt about it. If it had been a year, or even a year and a half, we could have coped with that, but it was prolonged.

**Mr A Maginness:**

It is an intensely stressful period over those three years.

**Ms Rankin:**

She was allowed to change her legal team four times.

**Mr A Maginness:**

And that caused a lot of delay.

**Mrs McElkerny:**

That almost put it back to the start every time: a new team and a new approach.

**Ms Rankin:**

It was all on legal aid.

**Mr A Maginness:**

You said that the prosecution barrister did not want to talk to you because he or she did not see that as their job. Did they say that to you?

**Mrs McElkerny:**

He did not, but one of the others said that senior counsel does not speak to relatives and victims.

That was actually said to us.

**Mr A Maginness:**

But, did he say that?

**Mrs McElkearney:**

No; he did speak to us.

**Mr A Maginness:**

Did you think that he was representing you in the same way that the defence counsel was representing the accused?

**Mrs McElkearney:**

No. We were never under any illusion about that because we were told repeatedly from day one that it really had nothing to do with us and we did not feature because it was a state prosecution.

**Mr A Maginness:**

Do you accept that? That is the theory, anyway.

**Mrs McElkearney:**

We accept that, but people cannot be excluded. We were told that we did not have to be in court but we could not be at work not knowing what was going on. If your mother has been murdered, you have to know what is happening.

**Mr A Maginness:**

Do you accept the basic principle that the prosecution represents the state, not you, but not to the point of excluding you?

**Mrs McElkearney:**

Yes.

**Mr Dickson:**

Can I develop that a little further with you? I thank both of you for sharing very intimate and difficult stories with us and the reality of where you have been.

Following on from the point that Alban made: the Crown does not represent you, it represents the state. Did either of you feel as though — or become aware of another victim who felt that — the system was so stacked against them, potentially against getting the case to a prosecution trial at all, that as the trial progressed, there was need for personal legal representation? I heard you say that you had a friend with legal qualifications who gave you some pointers but did either of you feel the need to get your own legal representation?

**Mrs McElkearney:**

We were not trying to tell them how to run the case. All we wanted was for them to tell us that they were doing something. We sat there and wondered whether anyone was doing anything and whether they even knew mum's name. That was another thing —

**Mr Dickson:**

Had you reached the stage whereby you felt that you needed to influence the process through legal intervention?

**Ms Rankin:**

No, not really, but I think that it was due to the nature of our case. In another case, people could have felt that they needed legal representation. We were quite removed from the murder.

**Mrs John:**

We contacted a solicitor who told us that we did not need representation because the PPS was taking the case to court, which meant that a solicitor could not do anything. If we wanted to run things past them, that was fine, but we were told that we would have to speak to our officer, who was not giving us any information anyway.

**Mr Dickson:**

I will share another case but not in this forum.

**Mr McCartney:**

I add my thanks. I do not think that you have wasted a word in what you have said today. We have been here for over an hour and a half, and we have taken evidence sessions where some of us run out of steam. It was really insightful.

Throughout the session, each time one of the three of you spoke, it was about a lack: a lack of communication, lack of explanation, lack of liaison, and the fact that the process did not include you. I do not like trying to sum up, but you have been making a very strong case for someone to liaise in the process in a structured way. I can see that that would be the case. How would you feel, on reflection, if a liaison officer had been appointed and advised you that attending the Magistrate's Court possibly was of no consequence? Would it be good to advise someone not to go to the Magistrate's Court every week to see a case listed and to watch a duty prosecutor, through no fault of their own, just see it as another one of the 40 cases in which someone is remanded, month after month?

**Mrs McElkearney:**

If you do not go, you do not know what is happening.

**Ms Rankin:**

I think that you are saying that we would have the information.

**Mr McCartney:**

Yes. I am saying that if a liaison officer —

**Ms Rankin:**

If you had the information, you might not feel the need to go all the time. We definitely needed to have some people there. We did not all go all the time, but some members of our family did go. If you had proper information and confidence that you were getting the right information, you would not necessarily need to attend all the time, and you could put it to the side.

I do not think that a case such as ours should be at the Magistrate's Court in the first place.

That is part of the problem. A Magistrate's Court cannot do anything with a serious case; all it does is keep adjourning it. To me, that is a complete waste of resources. She had two barristers in the Magistrate's Court every time.

**Mr McCartney:**

I think that there is a legal requirement that you have to be remanded every month or every 28 days. I have a technical question about the sentencing guidelines: is that standard practice? Do all victims' families get them?

**Ms Rankin:**

We did not get them. We looked them up on the internet.

**Mrs McElkerney:**

You do not get them.

**Ms Rankin:**

The internet is a very good resource.

**Mr Weir:**

I have a comment, rather than a question. This is probably one of the most useful evidence sessions I have heard in my time at the Assembly; it has had great depth. I think that it will be very informative to our inquiry.

A lot of the focus is on the lack of communication and information, but I was also struck by what you said about the process and the levels of undue delay compared with the Joanna Yeates case, which you mentioned. I know, for example, that we need to look at the issue from the point of view of process. To be fair to the Minister, he is trying to cut out a range of unnecessary stuff with regard to PEs and PIs. I think that there is a strong case for going further. I know from one of the questions that I have asked that the relevance of having data on PIs or PEs seems to be very limited. Out of the past 8,000 cases with a PE or PI, only eight did not have prima facie evidence. Given that that is the way that things have been done, an additional delay, on anyone's side, does not help. From a victim's point of view, it clearly does not help. If someone were wrongly

accused, it delays the case. We need to think much more radically than we have done in the past.

I do not really have a question. I just want to thank all the witnesses. It was a very clear, useful evidence session, based on real life experience.

**Ms J McCann:**

Thank you very much. That was very helpful, and your comments were very honest and sincere.

I would like to ask Rhonda a question. Previously, I have worked with people who have taken cases such as yours. I know Sylvia, and I can understand where you are coming from. You can connect with someone, and Sylvia is very good at what she does. You said that communication and bail conditions were two of the main issues while waiting for a case to come to trial. We also get this in local communities. Bail conditions are not known. People can be walking down the street and come face to face with someone in such a situation, which is particularly difficult in cases such as yours.

You spoke about back-up help and support in the community. Some community organisations offer support to victims, and other community organisations offer support in cases of sexual abuse and that type of crime. Is there any liaison between the people who dealt with your case and such organisations? Did they signpost you to organisations in the local community, such as women's organisations or those that look after families that have been affected by crime? Did you find anyone to signpost you to those types of organisation?

**Mrs John:**

The only person who gave me any advice was the doctor, but at that time — it was the Nexus Institute — I was not ready for it. My sister went, and they told her that they could not carry on with her case because she was too emotional, so it was not something that —

**Ms J McCann:**

The gap as well.

**Mrs John:**

I was not ready to cope with that at that time. I am still not ready.

**Ms Reid:**

Chair, could I pick up on that point? It absolutely perfectly touches on another example of the issue of data protection. So many possibilities and so many elements of what is needed are there, but the connections and the wherewithal to offer them to people at the right time, in a language that is accessible to them, are not. Timing is probably the key point that I want to bring out, which is the very point that you are exploring in this question.

Victim Support's vision is that it is a doorway into all the services. We have worked hard to develop a service directory that we want to keep up to date, and it lists all the available services. We have worked very hard to try to be clear about our limitations, what we can offer directly, such as the witness service, the work that we do on criminal injury compensation and the emotional support that we offer. However, we are not therapists: we are very clear about that. We try to inform people that we are in contact with what is there, whether that be the Nexus Institute, Cruse Bereavement Care or, in other cases, it might be the Northern Ireland Council for Ethnic Minorities or other organisations. We have contact with Women's Aid, and our service is about networking and informing people. The key barrier is that when someone reports a crime, one of the questions that the officer has to deal with, amid a sea of forms to be filled out of I do not know how many pages, is permission to give that individual's contact details to us so that we can reach out to them. The problem with the interpretation of data protection is that we end up with a form of wording whereby a person is asked a question to give permission at a time when it does not take much analysis to figure out that one more question is the last thing that they need.

Of the 107,000 instances of reported crime, 37,000 or 40,000 come as referrals into the organisation. Are people making truly informed decisions or does having to give permission at that point act as a barrier to those people getting more information later on? My argument is that that is a barrier because, before the current system, there was, for a time, a system whereby all people were offered the service and if they did not actively opt out within five days, we got the information. Human beings tend to err on the side of inactivity, which meant that we had the opportunity to reach out to many more people who had experienced crime and offer them the

service.

Victim Support is not arguing against the principles of data protection, but that has to be weighed against giving people proper information at a time when they are ready to be able to process it and make an informed decision as opposed to a tick-box exercise that might mean that the majority of people lose out on a very valuable resource.

**Mrs McElkerney:**

We were not contacted, and we did not have any link to Victim Support. I remember Brenda saying last year that her laptop was nicked out of the boot of the car, and Victim Support was on to her in a couple of days. We missed that.

**Ms Reid:**

I should have explained that: trust you to pick out the detail that I missed. You know my job better than I do. The exception to our protocol with the PSNI is that we do not get cases of serious crime such as domestic violence, sexual violence or murder/manslaughter. Those need express permission, but you still should have been offered that.

**Mrs McElkerney:**

We were told that the PSNI has packs but had run out of them. Pam Surphlis from Support after Murder and Manslaughter (SAMB) got in touch with us directly because somebody whom she knew knew a member of our family.

**Ms Rankin:**

SAMB is a very under-resourced group, but she was good to talk to.

**Mrs McElkerney:**

She was great, and we were able to phone her and make contact. She was really good. She found a way to get to us through a friend. At this stage, most people in the country know one of us. She made contact with us, but we did not get a pack.

**Ms Reid:**

Written information absolutely has its place; I am not knocking that. However, my argument is that, perhaps, there is an over-reliance in criminal justice for another leaflet or pack, and you have demonstrated far better than I ever could why face-to-face communication is needed. You need that rapport and you need to be able to understand and travel with the person to make the judgement about when and how you get the information. Putting something in the post is not the answer to everything. It is important — I am not knocking it — but it is not the answer to everything.

**The Chairperson:**

You touched on having rights and the need for a liaison officer. When you say that a victim or the family of a victim need to have rights, do you mean that you need to have rights to access information and, as opposed to someone just telling us, that person needs to be empowered to make sure that they get the information.

**Mrs McElkerny:**

Yes.

**Mr Lynch:**

I agree with what Peter said. It has been very valuable. We are used to listening to officials and civil servants, but it has been brilliant to hear from laypeople. The system needs to be inclusive. Some of us still have elderly parents. What happened to you, a normal family, must have been horrific.

**Mr A Maginness:**

What effect would it have had on you if you had not had the opportunity to make a victim impact statement to the court?

**Ms Rankin:**

It would have been difficult. In a way, the victim impact statement channelled us. Knowing that we would be able to make that statement kept us on board because we had been flailing about. The lawyers were flapping about with their wigs and gowns, walking in and out of court and

basically playing about with our lives. We were so frustrated and we could not say anything. We felt that no one was listening to us but we were told that we would get a chance to have an input. The victim impact statement was beneficial. It may have had an impact on the judge, but it was beneficial for us to have a say. It is the only tiny bit in which you have any role in the process. I do not even know whether you have a right to a victim impact statement.

**Mr A Maginness:**

I am not sure.

**Ms Rankin:**

I do not think that you have.

**Mrs McElkearney:**

You do not have a right to be asked. The judge has to invite you to make a statement.

**Mr A Maginness:**

You said that part of it was redacted.

**Ms Rankin:**

It could have been; we do not know. We were told that if we said anything that might be considered prejudicial, defamatory or critical of the defendant, the defence had a right to remove it.

**Mr A Maginness:**

You did not see the final stage?

**Ms Rankin:**

No, we did not see the final bit.

**Mr A Maginness:**

It would be very interesting to find out what was blanked out.

**Ms Rankin:**

We constructed our statements in such a way that we did not take her under our notice.

**Mrs McElkearney:**

The police kept us right, and we did not say anything about the defendant.

**Ms Rankin:**

We said how it affected us, not what we think of her or what she did. The statement was focused entirely on us. That was the only bit of the trial that was focused on us.

**Mrs McElkearney:**

We heard on the news about a family in Dublin who did victim impact statements and went to town in attacking the criminal.

**Ms Rankin:**

They made what were considered to be racist comments against the convicted person, and the judge decided that he had to withdraw and not sentence; he sentenced in the end. We were very conscious that we did not want to do anything to prejudice the case. We spent three years doing nothing — not moving, not cheeping, not doing anything that might prejudice the case in any way. Rhonda, you said that you felt like you were on trial; we did, too.

**Mrs John:**

My sister lives in Ballyclare, and she cannot take her son to school because of the restriction rules. They have it that I cannot go to Ballyclare to visit my sister, and I live in Carrick. She cannot go to Ballyclare to do her shopping or to drop off her son. If she wants to go to the bottom of Ballyclare, she has to go out round the countryside. She does not bother with anyone. They know what her route has been for the past 30 years for taking her children to school, and so on.

**Ms Rankin:**

You are in a big conflict; we were saved that.

**Mrs McElkearney:**

We had nothing like that. The person who committed the murder had no links to the area; she had no family there apart from her husband. We were not even exposed to that situation in court. Once the trial started, the only person sitting in the public gallery with us was her husband, a lonely character. We were spared that. We talked to other people who had to sit among relatives of the accused; that would be a nightmare.

**Mrs John:**

I drive a bright yellow Beetle, so it did not help the situation. *[Laughter.]* When I went into Ballyclare, as soon as they saw the yellow Beetle, they knew where I was and whom I was with, and the car would be circled. I would then drive my husband's car; they did not know it, so that was fine. Of course, they got to know that car, so I would borrow a car. I just thought that it got to be ridiculous and that it was better not to bother. I cannot shop in Asda.

**Ms Rankin:**

My attitude is that the legal process greatly exacerbated the effects of the murder. We wanted to go through that process and we are glad that we did, but I imagine that you feel the same.

**Mrs John:**

If I had to start it all over again, I would not do it.

**Ms Rankin:**

That is not right. It is not right that your wish for some sort of justice is undermined by the process that you have to go through.

**The Chairperson:**

We will take a break. Rhonda, Emily and Mairead, thank you very much for what you have been able to provide us with today. We will start again at 4.20 pm.

*The meeting was suspended from 4.08 pm to 4.14 pm.*

**The Chairperson:**

Thank you all for coming back. At this point, Susan will highlight the key recommendations that Victim Support submitted as part of the inquiry. There will then be a chance for questions.

**Ms Reid:**

Thank you very much for your attention. I draw your attention to a paper in your pack entitled 'Summary Paper of Key Themes'. I appreciate the time and concentration given this afternoon. The first point that I want to draw out is that as charities/voluntary organisations, Victim Support and the NSPCC have a place on the Victim Witness Steering Group. We have been participating in developing the themes for the next strategy.

In my summary paper, I have attempted to repeat what I understand you were given by Department of Justice officials in a briefing paper. I am not planning to go through the points line by line. However, I want to add to or elaborate on certain points that we will submit to that process and that we will simultaneously raise with you in your evidence-gathering process.

The first point comes under "Communicating better with victims and witnesses". There are points that we would want to add to what has already been suggested. First, we really want to make the case that the system must work towards a point at which each criminal justice agency or organisation is held to account for delivering continuing improvement in the treatment and experience of victims and witnesses. The comparison that I would draw is with health, where, under clinical governance, one key aspect of the process is a system of customer feedback, which is seen as being critical to judging the effectiveness of the system. It does not take a very in-depth analysis of the system to uncover the fact that different organisations or agencies, to differing degrees, take feedback from victims and witnesses. However, there is no end-to-end process to capture the experience in any systematic way, never mind the depth in which the experience has been shared with you this afternoon. Our contention is that that is absolutely key and must be a continuous process.

The second point is that awareness of the impact of crime and the needs of victims and witnesses need to be a requirement in the continued development of all professionals working in the criminal justice system. I do not think that I need to elaborate on the fact that we have had

that demonstrated to us here this afternoon. There is lack of awareness and understanding across the different professionals within the system. We are arguing that, at different levels, everybody who works in the criminal justice system should have a base level of awareness about the impact of crime. We do not have time this afternoon to get into the psychological, emotional, physical and financial aspects, although we did hear about some of the financial issues. There should be different levels of training, but the key point is that it should be part of continuous professional development. It should not be a course that happens once in a blue moon or because somebody has a particular interest or there has been a particular incident. It must be standardised and systematically required.

The third point is that information provision to victims should be reviewed to ensure that data protection policies are not a barrier to informing decision-making on the part of the victim. I have already made the point about the prisoner release information scheme. In the margins of the meeting, I made the point that, in England and Wales, it is a statutory requirement that victim support be offered to victims of crime. That is not the case in Northern Ireland.

The fourth point is that online and other social media communication with victims and witnesses should be developed. This is particularly pertinent when you look at the demography of crime with respect to the pattern of young men, particularly aged 17 to 24, as victims of violent crime. I do not think that we need to think too deeply about the preferred medium of communication for many young people in Northern Ireland today.

In the area of providing additional support for victims and witnesses who need it, we have five points that we want to add to the desired outcomes that have already been highlighted in the work to date on the strategy. Emotional support for children should be further developed. Victims and witnesses should be provided with support and information, from reporting the crime to disposal, including needs and issues outside the criminal justice system, based on individual need. The second point is really our attempt to summarise much of what we have heard here today: an end-to-end process that does not stop at the end of the trial process. There is a journey and a need for support and information that goes beyond that.

The next point is that the experiences of victims and witnesses should be continuously

monitored and collated and be integrated into key performance measures for each organisation. The challenge that we would make to evidence that point is: how much does the victim's experience actually matter to the individual organisations and agencies in the criminal justice system?

We would like to see an evidence-based approach used to develop changes to the systems to improve responsiveness to the needs of victims and witnesses. We would like to see a service-based approach adopted by organisations and agencies, with clarity of standards provided, while protecting the public. I will come back to that in my last point.

Under the heading of "Participating in proceedings", a key point to add to what has been developed so far is that victims and witnesses should be assisted to understand the decision-making processes throughout the criminal justice system. I think that that says it all, really. I do not know whether I can think of a way to expand on that. It respects the intelligence and dignity of people who have been harmed by crime. They have a fundamental right to be able to understand what is happening and to understand how decisions are being made as the process proceeds.

Under the heading "Improving public understanding of the criminal justice system", there is a real need — and it is for us to make the case — for continued development of outreach and communication to counter public cynicism regarding crime statistics. There is research and evidence showing that the public just do not believe a lot of the information that is put out. That is a very good argument for why further work needs to be done there.

In conclusion, the points that can be pulled out as strategic themes are as follows: delay, communication about case progression with the victim, the need for timely and effective support, and the lack of communication across the criminal justice system. A key point is that — and although I appreciate the need for it — independence should not be used as an argument for separate approaches. All those are core themes. None of them is new, but rather than dismissing them because they are not new, the challenge relates to why they are still so evident in the criminal justice system in Northern Ireland. Victim Support wants to acknowledge the work that has been done across the system in the past couple of years but we want to seek assurance that

there will be continuous development and that the view is not — as I used the quote earlier — that we have “done” victims and witnesses, and that that is an end to it.

Overall, we will try to identify two key aims or goals that would create a journey of change and challenge to the systems across the criminal justice system. The first is that we would like to see a shift to a focus on ameliorating the effect of the crime and not just securing the person who has been harmed by the crime as a witness to the process. The second point is that we would like to see a shift from a system to a service. To that end, I want to quote Keir Starmer, head of the Crown Prosecution Service in England and Wales, who captured the point when he said:

“A system can all too easily become process-driven. A service is about standards and should focus on protecting the public by dealing efficiently and effectively with criminal conduct while respecting and protecting the human rights of all concerned.”

As we heard this afternoon, there is a sense — and we in Victim Support are already hearing such reasoning from agencies and organisations — that people would like to do something but they cannot because of funding or resources. My final point is that rather than accepting the argument that reduced funding might be a reason not to do better for victims and witnesses, it may very well be a reason why we can do better. If more attention is paid to the systems and how things are organised across agencies and organisations, I contend that we might be more aware of where there is a lot of waste and where systems are being funded and resourced yet are failing to deliver the information and answers that people, quite reasonably, want.

If we looked at the systems through the eyes of the people who have experienced crime, we might very quickly have large clues as to how things could be re-organised in a win-win way, which would meet the needs of people who have been harmed by crime and might actually save the system some money as well.

**The Chairperson:**

Thank you very much, Susan. I thank Victim Support for what has been done today. I know that we are going to have more evidence sessions as the inquiry goes on, and Victim Support is going to play a role in that. I suspect that we will invite the organisation to a formal session in Stormont. That is not to say that members should not ask anything now — feel free to do that —

but we will have Susan and Victim Support in front of us again.

Does anyone want to ask some questions about what they have heard? I will start with one. You commented on looking at the efficiency of the system. Can I take that to mean the administration of all the different parts of the criminal justice system? If you had a way of scrutinising the work of the whole system, it would reveal where improvements could be made. I take it that that does not happen at the moment. There may be scrutiny of an individual organisation, but you need some mechanism to assess how the organisations are linking or not linking, as the case may be.

**Ms Reid:**

Organisations tend to organise themselves from the inside out. This is not particular to the criminal justice system, and we in Victim Support also hold our hands up to doing that. We recently started a process of looking at ourselves from the outside in. By logging, verbatim, what people ask us to do, we have learned the difference between an approach that you might call a value demand, in which the person comes to you for something that you are designed to deliver, versus a failure demand, in which a person comes to you because of something that you have not got right. We have found that very illuminating. It has raised our awareness of what we need to change about how we organise ourselves, because we are not, in any way, perfection personified. We have also, as a by-product, picked up systems failures from other parts of the criminal justice system, and much of what we get are requests and queries, because people, as you heard today, are so frustrated. They cannot get the answers that they need, they cannot contact the person who they have been told has the information that they need, and the person whom they have contacted does not have that information.

At a very basic level, that is the argument that I would present. If we start to follow things through, and use things such as process mapping or adopt a systems-thinking approach, we will very quickly start to see where services have been organised in a way that misses the point. We will also see that they probably cost more and do not meet the needs of the people whom they have been set up to help.

A lot of work has been done in that area. Advice NI used a similar approach and that threw up

issues around housing associations and services. The contention is that we can learn from that and that we might discover that there are more efficient ways of organising things that better meet the needs of victims and witnesses.

**Mr A Maginness:**

You talked about the statutory duty in Britain to refer to Victim Support. That duty is not in law here.

**Ms Reid:**

No.

**Mr A Maginness:**

Would you like to see that in law here?

**Ms Reid:**

The short answer is yes. However, if there are other ways that would meet the same end in creating a more efficient and effective way of getting the contact details of the individual who has been harmed by crime, we should use those. The goal is to get that timely and appropriate response, and from what I understand, that statutory duty is one very effective way of meeting that goal.

**Mr A Maginness:**

In your experience, do victims appreciate Victim Support, or do people say: “Thank you very much, but I do not require your services”?

**Ms Reid:**

We have both. We would never contend that we should be the preferred alternative when victims of crime have adequate support systems within their family or friends. We would not want to damage that relationship or rapport in any shape or form. However, because of the psychological impact of crime — particularly in cases of domestic and sexual violence, in which there is a lot of potential to self-blame and to be embarrassed — there is a strong argument that talking to someone that the victim does not know is a positive thing. There are people who, for many

reasons, including the ones that I have touched on, would say: “No, thank you.” However, there are others who would say: “No thank you, not now.” Those are the people whom we lose, because we do not have the resources to follow them through or to check in with them in a couple of weeks or months to see whether they are OK.

Our annual survey of those who take up our service shows approval rates of 90%-plus across the witness service, the criminal injuries compensation service and the community service, which provides emotional support. I am not naive enough to think that customer satisfaction is the be all and end all, but it is a comforting indication that we are meeting the need. We are also very conscious of other needs that we are not resourced to meet but would like to meet.

**Mr A Maginness:**

Thank you very much.

**Mr McCartney:**

I have an observation for the Committee as we progress with our inquiry. It would be useful to have a list of what is expected from each organisation. We should find out the requirements. We are saying that things should be better and be improved, but whatever the role of the police liaison officer, and Emily and Mairead talked about it, it is not as though they are not doing the job asked of them. However, if they are a barrier to providing information, we have to assess that. The same goes for the PPS and the Court Service. If we have an idea of the statutory requirements as the inquiry progresses, it will give us a better understanding.

**Ms J McCann:**

I am keen to know where the victim impact statement comes in here in the North. In the South, and I do not know if I am right, in most cases, family members have an opportunity to present the impact of the crime to the court, particularly in serious crimes such as murder. I do not think that that is the case here. Is that right? Can everybody who goes into a court here stand up to explain how the crime has impacted on them as a family member? I would like to know how often that happens. What is the statutory position at the moment? I hear what you are saying and I think that it could be something that could help families. Am I right?

**Mrs McElkearney:**

In America, victims get the opportunity to stand up to say —

**Ms J McCann:**

That is what I am talking about. I know that it happens in the South sometimes as well. Does it happen here at all?

**Ms Reid:**

It happens, but there is no framework or guidelines on how it should be done. In some examples, as illustrated here today, it can be very in depth. For example, Emily and Mairead, a great amount of time went into your impact statement. I know that we have been involved in helping people in which one side of A4 paper has been written in court over a lunch break. There are no guidelines or frameworks as to what should go into such a statement or what areas should be covered.

There is no clarification about when a victim impact report is required rather than a victim impact statement. However, to be fair to the system, work is in hand, and a number of drafts of a paper have been done by the group in which we take part and which I referred to earlier — the Victim and Witness Steering Group. The plan is to consult on those guidelines in the near future. However, you are right, there is no clear guidance at the minute, and that leads to ad hoc practice.

**Ms McCann:**

It would be useful to find out how it operates at the moment.

**The Chairperson:**

Perhaps we could ask the Assembly's Research and Library Service to do a paper for us on impact statements.

**Ms Rankin:**

I was going to do my impact statement myself, but the police officer who was taking my statement told me that there was not a format, but that they were working towards one. She wanted to talk about quite specific areas and it was much more in depth than I would have

written. I would have written bullet points on one side of A4 paper, but she wanted much more detail on the emotional impact, and so forth.

**Ms Reid:**

Did you feel that it concentrated on emotional, financial, psychological and physical impacts?

**Ms Rankin:**

It was kind of like that. It had headings, and she said that it was fairly new. Whether it is something that they are trying out or that has been set, I do not know, but she said that it was fairly new and that statements had been done on a more ad hoc basis. Something is being worked on, but I do not know quite what.

**Ms Reid:**

They have been around in England and Wales formally for five or six years, and there are aspects that I am sure the Committee would be interested in. One key issue, as I understand it, is the information given to victims about how their statements will be used. The issue is around getting clarity and proper information about how the statements will be used in decision-making and how they sit with sentencing guidelines. It is important to ensure that the person who is giving what is a very personal insight into the impact of a crime understands that the statement will be shared with the defence. They also need to know the possible risk and impact that that will have in some particular crimes. There is complexity around it, but that is all to be worked through in the definition of privacy.

**The Chairperson:**

No one else has any questions. I thank everyone for coming along today, particularly the families and victims. It has been useful. Thank you, Susan, and thanks to Youth Justice for the use of their building.