

Edgar Jardine
Interim Chief Executive



Date: 1 November 2011

Ms Roisin Donnelly
Assistant Committee Clerk
Committee for Justice
Room 242
Parliament Buildings
Stormont
BELFAST BT4 3XX

COMMITTEE FOR

04 NOV 2011

JUSTICE

Dear Ms Donnelly

**COMMITTEE INQUIRY INTO THE CRIMINAL JUSTICE SERVICES AVAILABLE
TO VICTIMS AND WITNESSES OF CRIME IN NORTHERN IRELAND**

Please find attached the Board's submission in response to the above inquiry.

Our response has focused on the issues relating to victims of crime which we have gathered from research undertaken by the Board and from our ongoing engagement with the community.

If you require clarification on any of the points contained in our response, please do not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Edgar Jardine'.

EDGAR JARDINE
Interim Chief Executive

Northern Ireland Policing Board

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INVESTOR IN PEOPLE

MEMORANDUM

FROM: THE NORTHERN IRELAND POLICING BOARD

TO: THE NORTHERN IRELAND ASSEMBLY COMMITTEE FOR JUSTICE

SUBJECT: RESPONSE TO THE ENQUIRY INTO THE CRIMINAL JUSTICE SERVICES AVAILABLE TO VICTIMS AND WITNESSES OF CRIME IN NORTHERN IRELAND

DATE: 31 OCTOBER 2011

Introduction

1. Article 1 of the European Convention on Human Rights (ECHR) requires States to *secure* the Convention rights and freedoms for everyone in their jurisdiction: not just refrain from infringing them. The protection of human rights therefore lies at the heart of the ECHR and the police have an important role in upholding and vindicating these rights. In order to act compatibly with the Human Rights Act 1998, which gives effect to the rights and freedoms contained within the ECHR, the PSNI must protect all members of the community and provide an equal service to all. If a member of the community is vulnerable that means adopting special measures to ensure that access to the service is actually equal.
2. After a criminal offence has been committed, the victim's first contact with the criminal justice system is normally with the police. That contact will likely continue throughout the judicial process. The police response therefore to the report of a criminal offence will have a direct and often decisive impact on the victim's attitude to the criminal justice system. It is therefore critical that the police treat all victims with compassion and respect for their dignity. They must ensure that the victim feels that the offence is being considered properly and is being taken seriously. Victims often feel a sense of frustration, fear and insecurity but police officers can make a real difference to a victim's experience as they progress through the system. Respect, compassion and understanding for victims should be the hallmark of police conduct.

Specific Areas of Concern in Relation to Victims of Crime

3. Victims of Domestic Abuse (thematic review published March 2009, update report May 2011):

3a. Specialist police officers: Domestic abuse officers are specialist police officers located within PSNI Public Protection Units (PPUs) who are dedicated to dealing with domestic abuse cases and assisting victims throughout the criminal justice process. It was recommended in the thematic review that PSNI consider the number and deployment of domestic abuse officers, with a view to ensuring that a specialist officer is available for every shift. In some Districts, domestic abuse officers now work outside Monday to Friday, 9am – 5pm, but not in every District. CJINI reinforced the Policing Board's recommendations in its December 2010 report, commenting that "it would be sensible if this weekend cover rota operated consistently across the PSNI in order that specialist officers were available for follow-up incidents which occurred on Friday and Saturday nights, as this is the time when domestic incidents are most likely to occur."¹

3b. In May 2011, when issuing an update report on the thematic review, the Policing Board's Human Rights and Professional Standards Committee was supportive of a model of practice operating in G District whereby there will always be a domestic abuse officer working Monday to Friday, 8am – 10pm, and two officers working on a Saturday and Sunday, one from 8am – 4pm and one from 9am – 5pm. The officers are based in Strand Road but are available to provide a service throughout the District. There will also always be a domestic abuse officer in the District available on call to response officers outside of these hours. The Committee believes this to be a pragmatic approach to the staffing of domestic abuse officers as it ensures that there is a specialist officer on call during the peak times of commission of domestic abuse (i.e. Friday and Saturday nights). It also means a domestic abuse officer can visit the victim and take statements from the parties involved the same or following day, rather than waiting until Monday morning.

3c. Minority ethnic victims: The barriers faced by victims when it comes to reporting domestic abuse are compounded where the victim's language is not English and/or he or she is unfamiliar with their local surroundings or community. The thematic review noted that unless and until there is an abundant supply of interpreters to meet the needs of victims, minority ethnic victims will not receive the high standard of service they are entitled to expect. All information on support and referral services must be contained in leaflets translated into the various languages spoken in Northern Ireland.

¹ *Domestic Violence and Abuse*, Criminal Justice Inspection Northern Ireland (CJINI), October 2010, para. 2.6.

3d. Further to a recommendation in the thematic review, the PSNI Policy Directive, *Police Response to Domestic Incidents*, was revised and reissued in December 2010. It now incorporates guidance relating to victims with particular needs, including those for minority ethnic victims, older victims, disabled victims, young victims, lesbian, gay, bisexual (LGB) victims and Traveller victims.

3e. The PSNI domestic abuse *Infocarte*, *Time and time and time again*, has been translated into eight minority languages, specifically: Czech, Lithuanian, Polish, Ulster Scot, Russian, Irish, Mandarin and Portuguese. Other literature has also been translated into minority languages.

3f. Statistics: A lack of disaggregated data means it is difficult to give a true picture of the nature and extent of domestic abuse across Northern Ireland. The statistics compiled by the PSNI, and published annually in the PSNI Annual Statistical Report (which is available to download through the PSNI website), give the number of reported incidents and recorded offences with a domestic motivation. The statistics in the Annual Statistical Report are broken down according to the gender of the victim but do not record the gender of the perpetrator or the relationship of the victim to the perpetrator. Unless and until we know the statistics according both to gender and to relationship it is impossible to fully assess the scale and the true nature of the problem. It was therefore recommended in the thematic review that PSNI should record, for every reported incident, the gender of both victim and perpetrator, the relationship of the victim to the perpetrator, the ethnicity of the victim and perpetrator and whether the victim is an adult or child. This approach may also assist the PSNI decision making process with respect to the allocation of resources to policing priorities.

3g. PSNI has produced that information in respect of victims of recorded crimes (but not incidents only) and in respect of offenders of detected crimes for 2009/2010 and 2010/2011. The Policing Board has distributed that information amongst stakeholders. A question was raised by a stakeholder at a recent public meeting of the Board on domestic abuse (1 September 2011), and was raised by stakeholders throughout the thematic process, as to why statistics do not reflect cases from arrest to sentencing. Whilst appreciating that different recording systems mean that police, PPS and Court Service statistics cannot always be aligned, stakeholders would welcome more joined up data in respect of domestic abuse.

3h. MARAC: A key development since publication of the thematic review has been the roll out of Multi-Agency Risk Assessment Conferences (MARACs) across Northern Ireland. In May 2011 the Policing Board's Human Rights and Professional Standards Committee published an update report on its thematic review. In the update report the Committee

noted the work that PSNI has undertaken to ensure that MARAC is a success e.g. training, policy review and involvement in over 1,500 high risk domestic abuse cases. To support and represent victims in the MARAC process, it is important that funding is secured for a sufficient number of Independent Domestic Violence Advisors (IDVAs).

4. Children and young people who are victims of crime (thematic review published January 2011):

4a. Child victims of abuse are at a much higher risk of offending. Very often, patterns of offending by a child indicates an underlying problem. It is important that children are not compartmentalised as either 'offenders' or 'victims'. Where a child is displaying signs of offending behaviour, early intervention initiatives such as Child Intervention Panels (CIPs), can assist with both removing a child from harm and supporting them to move away from the risk of offending. In order for CIPs to be effective, all types of agencies need to be involved and remain committed, e.g. health, education, social services – not just criminal justice agencies.

4b. Paramilitary style punishment shootings and attacks are a very real problem for some young people living in Northern Ireland. Between 1 April 2010 and 30 September 2011, there have been 118 casualties of paramilitary style assaults and shootings *that are known to the PSNI*. Anecdotal evidence collected during the thematic review would suggest that people are reluctant to report this type of crime to the police but that these sorts of attacks against young people are commonplace in some areas: statistics therefore do not give the full picture.

5. Lesbian, Gay, Bisexual and Transgender (LGB&T) victims (thematic review not yet published): LGB&T victims of crime are being considered within the context of the Policing Board's ongoing thematic review of policing with, and for, people who are LGB&T.

5a. Confidentiality, or fear that confidentiality will be breached, is a big issue and is a barrier to LGB&T victims reporting crimes and cooperating with any subsequent prosecution. There is also a worry that if a crime is reported, the police or other criminal justice agencies will not believe the victim/take the crime seriously and that they may treat the victim inappropriately (for example, by purposely referring to a trans person by the wrong pronoun). For some LGB&T victims, this worry is based upon experience, for others it is purely based upon perception. The thematic is considering steps taken by PSNI to improve reporting mechanisms, police response and to improve engagement between the

police and LGB&T community in order to challenge negative perceptions. However, it is clearly an issue that needs looked at across the whole criminal justice system – what are the courts and PPS doing, what training have they received etc.? The Criminal Justice (No.2) (Northern Ireland) Order 2004 has not led to many aggravated sentences for hate motivated crimes – how has this impacted upon the reporting of hate crime? The 2004 Order refers to race, religion, sexual orientation or disability – what about gender identity? These are issues that are outside the Policing Board's remit, but which the DOJ could consider as part of its review of victims and witnesses of crime.