

## **1.0 Introduction**

- 1.1 Now in its 30th year, Victim Support Northern Ireland (NI) is the independent local charity supporting people who have been affected by crime. We offer community and court based services to anyone affected by crime, irrespective of when the crime happened, the motivation for the crime or if it has been reported to the police. The organisation is governed by a board of local volunteer Trustees.
- 1.2 Victim Support NI has five community offices spread across Northern Ireland. Our community based service helps those affected by crime to deal with its personal and practical impact, by providing emotional support, information and advice. We also have witness rooms in every criminal court across Northern Ireland. Last year, we supported 13,000 people affected by crime.
- 1.3 We currently have 213 volunteers who provided a total service delivery of 23,309 hours last year to people affected by crime. In the same year, the criminal injury compensation service helped over 2,000 victims of crime successfully claim £4.5 million in criminal injuries compensation.
- 1.4 Victim Support NI is also a full member of Victim Support Europe, a confederation of Victim Support organisations across Europe.

## **2.0 Comments**

- 2.1 Victim Support NI welcomes the opportunity to assist the Committee for Justice in their inquiry into the criminal justice services available to victims and witnesses of crime in Northern Ireland. We are aware there are separate strategies for sexual violence and domestic violence and welcome the work being undertaken currently to combine the two. We understand the next strategy for victims and witnesses deals with all categories of crime apart from domestic and sexual violence. However in extending the committee's invitation to victims we are in contact with to give evidence, we have not made this distinction as many issues are cross cutting.

### **The effectiveness of the current approach and services provided by criminal justice agencies to victims and witnesses of crime**

- 2.2 Our view of the effectiveness of the current approach and services provided by criminal justice agencies is fundamentally based on the experience of victims and witnesses and on our own experience of supporting these individuals over the last 30 years.
- 2.3 One measure which has been used by government to gauge the effectiveness of the criminal justice system is the recorded satisfaction rates of individuals who have been affected by crime. The main source of this information has been the Northern Ireland Victim and Witness Survey (NIVAWS) which was commissioned by the Northern Ireland Office (NIO) in 2008. This survey was introduced for two purposes. Firstly, as a means of monitoring progress against various actions outlined in the 'Bridging the Gap' strategy document and secondly, to monitor performance against the key performance indicator (KPI) outlined in the 'Justice for All' Delivery Agreement:

*'To increase the proportion of victims and witnesses who are satisfied with the contact they have with the criminal justice system'*

- 2.4 For the year 2010-11, the satisfaction rate received for this KPI was 71%, which exceeded the target satisfaction level set by the Department of Justice for this period. Although the NIVAWS survey has the advantage of tracking satisfaction rates over the last three years since its inception, there are a number of limitations which Victim Support NI believes need to be taken into consideration. Firstly, there are a number of categories of crime which are ineligible for inclusion within the survey. These offences include sexual offences, crimes which have involved a fatality and domestic violence.<sup>1</sup> Victim Support NI acknowledges cold call telephone interviews may not be the most appropriate method to capture the experiences of victims of such crimes however, it is vitally important that their experiences are listened to and recorded in a sensitive and appropriate manner.
- 2.5 Victim Support NI would also like to bring to the Committee's attention that the satisfaction rate for victims (who are the injured party) has been considerably lower than that recorded for witnesses (who have observed a crime) since recording began in 2008. For a breakdown of the satisfaction rates for victims and witnesses, please refer to Appendix 2. The latest publication of NIVAWS indicates victim satisfaction was 64% whereas witness satisfaction was 77%. This should be borne in mind as the satisfaction rate used to measure the Department's KPI is an average of the two separate rates, the most recent figure being 71%.
- 2.6 It is also worth noting that this overall satisfaction level is an indicator of the collective level of satisfaction of the contact victims and witnesses have had with the criminal justice system as a whole. We therefore cannot glean further information in terms of the level of satisfaction with individual criminal justice organisations and agencies. It is our view that the standard of service provided to victims and witnesses of crime varies from agency to agency as individuals travel through the system. This variation in the standard of service also differs depending on the type of crime experienced. Victim Support NI believes each criminal justice organisation should have a separate target of victim and witness satisfaction.
- 2.7 We understand the budget for the NIVAWS survey has been withdrawn for the next year and would seek assurance that an alternative method of capturing the experiences of victims and witnesses will be introduced as a matter of priority. There needs to be a more systematic and consistent collation of the experiences of victims and witnesses across every stage of the criminal justice system. We believe this should be recognised as a key measure of quality of the criminal justice system in Northern Ireland. Furthermore, we recognise the need for more Northern Ireland based research into victims' and witnesses' experiences.
- 2.8 Victim Support NI acknowledges that there have been a number of positive steps made in the last number of years through the first strategy, by key criminal justice agencies providing services to victims and witnesses of crime. These have included the publication of a Code of Practice for Victims of Crime, the creation of a 'walk through' website for victims and witnesses and the introduction of the Justice Act 2011 which has allowed for additional provisions such as assistance to vulnerable and intimidated witnesses to give their best evidence in court.
- 2.9 These developments are a step in the right direction however Victim Support NI believes they are no less than how individuals affected by crime expect and deserve to be treated. We believe that the developments to date within the criminal justice system run the risk of being seen as a "bolt on". More is still needed to shift the attitude which would result in an improvement of

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<sup>1</sup> For a full list of offences ineligible for inclusion with the NIVAWS survey please see Appendix 1

how victims and witnesses are supported and treated. There are also issues of consistent and appropriate policy and guidance across structures which result in different experiences by locality despite policy and guidance being for Northern Ireland as a whole.

2.10 Currently there is a collection of separate organisations and agencies, the sum of which is called the criminal justice system. Victim Support NI recognises the importance for certain agencies to have autonomy and independence however a victim or witness trying to navigate their way through this system can find it very difficult and complex. Indeed, this would be an unreasonable expectation to place on a victim or witness. Therefore, we believe there should be a 'care pathway' for all individuals travelling through the criminal justice system. An important aspect of which would be the provision of individually tailored support and advocacy through the early and on-going identification of individual need. However such a service will only be of benefit to victims and witnesses if the organisations provide timely, relevant and accessible information.

2.11 Victim Support NI believes that the changes needed to the criminal justice system will not be fixed solely by the introduction of more policies and procedures. It is the individual interaction with victims and witnesses that make the difference and this will take more of a behavioural change within organisations as a whole. The underlying motivations of all the agencies of the criminal justice system should be to provide victims and witnesses with appropriate support in order for them to give their best evidence.

2.12 Victim Support NI believes that it is difficult to truly assess the effectiveness of the criminal justice system due to the lack of relevant information. To truly gain an accurate picture of how the system is performing, services should be viewed from those approaching the system rather than those who live within the system. By adopting a systems thinking approach, we can highlight the failure and value demands of a system from the perspective of the customer, in our case the victim and witness. This approach will establish where victim and witness needs are truly being met and identify any failure in the system.

2.13 In summary Victim Support NI is calling for:

- The experience of victims and witnesses across the criminal justice system to be systematically and consistently collated and recognised as a key measure of the quality of the criminal justice system in Northern Ireland.
- Any organisation changing procedures within the criminal justice system should be required to consider and demonstrate the impact on victims and witnesses. For example, a victim impact assessment.
- All criminal justice agencies should be required to demonstrate commitment through their strategic and business planning processes to the continued improvement of the experience of victims and witnesses. It should be seen as integral to the core business of the organisation rather than as a parallel agenda.
- All developments in the criminal justice system with regards to victims and witnesses should be evidence based and where evidence does not exist the initiative should be trialled and evaluated in Northern Ireland.

- The aim should be to ameliorate the effects of crime and in doing so meet the needs of victims and witnesses on an individual basis. This will require information and support as part of their engagement with the criminal justice system but in more complex cases, may require input from other services including health, housing, social care and other parts of the voluntary sector.

**Identify the key issues impacting on the experiences of victims and witnesses of crime of the criminal justice system and any gaps in the services provided**

2.14 Victims of crime are individual and therefore all will have varying needs specific to their situation. However previous research has consistently found a number of common needs of victims of crime and our experience of providing support to these individuals validates this. The table below illustrates the four key themes of need, highlighted by Professor Brian Williams, and also shows examples from our own experience.

<b>Key Theme</b>	<b>Victim Support's experience</b>
<b>Dignity, fair and respectful treatment</b>	<p>From our experience, treating victims with dignity and respect is the responsibility of every individual providing a service within the criminal justice system. Furthermore, we believe treating victims and witnesses with dignity and respect should be integral to the ethos and behaviours of every criminal justice organisation.</p> <p>Treating an individual fairly, with dignity and respect we believe, is a natural result of carrying out a role with emotional intelligence. Seeing a victim of crime as a customer and valuing each interaction with them. Victim Support NI believes this emotional intelligence is lacking somewhat from the system.</p> <p>When asked what they thought needed changed in the system, this rape victim explained, “What I think needs changed is that victims need to be seen as humans with real feelings and emotions. The best thing that could change is attitudes towards victims.”</p>
<b>Timely and appropriate information</b>	<p>From our research and work with victims, we believe this theme of timely and appropriate information, is one of the things they most want from the criminal justice system. From being kept informed and updated about the progress of their case, to information about crime prevention and further support. This requires excellent communication skills to ensure relevant and appropriate information is relayed in a manner which is understandable to the individual receiving it.</p> <p>We believe that all communication with victims of crime should be done in a way which is personable and tailored to the individual's</p>

level of literacy, language and capacity to understand. We also believe individuals should be afforded the opportunity to ask for clarification and receive this clarification in a reasonable amount of time. We believe that communicating in this way could reduce the amount of time and money spent on follow up correspondence.

Victims often experience confusion as to what to expect from the criminal justice system. Not only are they dealing with the impact of the crime, they also have to navigate through a system which from a victim's perspective, can seem complex and overwhelming. Victim Support NI believes delay within the system is a key issue impacting on the experiences of victims and witnesses. Long delays with an investigation or case can often have an impact on the individual's recovery, especially if they require further therapeutic intervention.

Very often individuals become increasingly frustrated and despondent when more and more time passes with no contact or information from the relevant criminal justice agency. A lack of information can often make victims feel that their case is not being taken seriously when often the reality is the exact opposite.

One individual explained how she waited for eight months from the time she reported the incident to receiving a letter in the post stating that her case would not progress any further. She said, "It wasn't so much the period of time I waited but rather the lack of contact which made me feel like I wasn't important." Furthermore, recent feedback from police officers who have been involved in carrying out the 'Victim Update Process' (a new initiative being piloted by the police) challenges the myth that victims only want to hear good news about their case.

One officer said, "I initially thought I was going to be letting the victim down because I had no more information [on the case] but in fact I think the victim was reassured that they had not been forgotten about." Another officer stated, "The person was very pleased that I had at least remembered about them even though the news was not good."

	<p>Another key issue which Victim Support NI believes falls under this theme of need is regarding the provision of special measures for vulnerable or intimidated individuals. We believe there is a general lack of awareness surrounding special measures provisions for example their eligibility, usage and who is responsible for applying on behalf of the vulnerable or intimidated individual. We believe it is essential that victims and witnesses are afforded the assistance they require in order for them to give their best evidence in a manner that causes them the least distress.</p> <p>Victim Support NI welcomes the announcement of the Intermediaries service to assist vulnerable victims and witnesses but would caution that the success of such a role will be dependent on the awareness and skills of organisations front line staff to identify and respond appropriately to victim and witness need.</p>
<p><b>Practical help, including protection from further victimisation and compensation</b></p>	<p>From our work with victims of crimes, it is clear that they do require practical help including protection from further victimisation and compensation. For example, we have provided support and advice to a number of victims of criminal damage. One individual had over two thousand pounds worth of damage done to their property. Not only did this individual have the responsibility of paying for the damage themselves, they lived in fear of further victimisation from the offender.</p> <p>Another individual who was a victim of criminal damage and harassment explained how she had suffered a violent attack on her home by a group of young men. She said, “We rang the police and they came out. I was in a terrible state. I said to the constable, what am I going to do with broken windows in the middle of the night? [The police officer] shrugged their shoulders and said they had to go as there was another emergency. They left me standing with my two youngest boys-offered no assistance whatsoever. I was petrified of them coming back. I thought if it was the other way around I wouldn’t have walked away.”</p> <p>From our experience, many individuals would report the financial impact of the crime on their lives. Criminal injury compensation therefore assists victims alleviate any financial impact of the crime. The issue of delay can impact on this aspect of a victims experience as very often, it can take up to eighteen months for the first decision of the compensation process. During this time,</p>

	<p>the individual affected has to cope with the additional financial impact of the crime which can add to an already stressful time.</p> <p>Victim Support NI also believes the compensation process can provide a means by which an individual affected by crime, can have their experience recognised. Very often, this process is the only form of participation for the individual affected by crime, in the criminal justice system.</p>
<p><b>In some cases, counselling or support to address the emotional impact of the offence (or help in dealing with the criminal justice system)</b></p>	<p>From our work with victims, in some cases the individual in question will require further emotional support from us and in certain cases will require professional counselling to help them cope with the effects of the crime.</p> <p>This need can often be overlooked and there can be a lack of understanding or consideration of the impact of the crime and the subsequent impact of engagement with the system. We believe the needs of victims and witnesses can be better identified and met, if ameliorating the effect of crime becomes a priority not just what is required to maintain the injured party as a witness.</p> <p>Many victims also experience waiting lists for counselling services in some areas which can also impact on the recovery of that individual from the impact of the crime.</p>



## **Consider what priorities and actions need to be taken to improve the services provided to victims and witnesses of crime**

- 2.15 Victim Support NI believes the overall goal should be to ameliorate the effect of the crime on the individual. This includes individually tailored support for the victim as they travel through the criminal justice system. They should be afforded all necessary consideration to ensure they are equipped to give their best evidence. We believe there needs to be a behavioural change within the system as a whole, with organisations demonstrating more emotional intelligence in their interactions with victims and witnesses. We believe this change in behaviour should not interfere with organisations and individuals carrying out their job.
- 2.16 Victim Support NI believes a key priority is the monitoring of the actual experiences of victims and witnesses and that changes are made to the criminal justice system on an on-going basis based on these experiences.
- 2.17 Victim Support NI believes each organisation should demonstrate year on year, their commitment to improving the experience of victims and witnesses. Furthermore, we believe each organisation should be committed to causing no further harm to individuals affected by crime. This should become integral to their core business and be demonstrated through its inclusion in their strategic and business plans and through their leadership. Overall however the benefit will be achieved not from 'add on' policies and procedures but through a change in attitude, demonstrated through behaviour.
- 2.18 We believe that a systems thinking approach may help ensure all agencies contributing to the process have their responsibilities completed on time and to the correct standard. We believe the minimum requirement should be that the criminal justice system does not add to the harm already caused by the crime itself.
- 2.19 Victim Support NI believes victims should be afforded better support and information from their initial contact with the system to when this ends. Victim Support NI believes the introduction of the Independent Sexual Violence Advisors (ISVAs) and the Independent Domestic Violence Advisors (IDVAs), along with further development of its own advocacy role will contribute to this. Part of this end to end support should also be the establishment of Witness Care Units to both assess need and provide information to those attending any criminal trial before, during and after hearings.
- 2.20 From our own experience of working with victims of crime, we believe there should be more support and effort made within the system to establish an accurate picture of attrition. Another priority would be an effort to address the issues which lead to attrition within the criminal justice system. The introduction and implementation of ISVAs and the IDVAs should therefore be of high priority for the criminal justice system.
- 2.21 From our experience delay between the incident and the trial is a major priority and we welcome the efforts being made presently to tackle this problem. However we believe any solutions implemented to alleviate this problem should be carried out without threat to due process. We also believe the issue of delay should be addressed from the moment the individual reports the crime right through to disposal.
- 2.22 From our experience participation in the criminal justice process is an important aspect to a number of victims. For many it is important that they are afforded the time to express, in their

own words, how the crime has impacted on their life. We therefore welcome the steps taken to date to scope the usage of Victim Impact Statements/Reports as one means of participation. It must be noted however that the purpose of any initiative introduced as a means of victim participation, needs to be clearly explained and the expectation of the impact of such participation needs to be strictly managed and understood.

2.23 We also believe the criminal justice system, as a priority should continue to develop restorative practice which protects the interests of victims. Appropriately conducted restorative practice can provide answers to common questions that victims have after a crime.

2.24 Victim Support NI welcome plans to introduce the Sexual Assault Referral Centre (SARC) and this provides the perfect opportunity to plan from the perspective of the needs of victims of crime. However we believe the SARC must include planned community services if victims of sexual violence are to be provided with the information they need.

2.25 Finally, we believe there should be an end to oral evidence in committal hearings as this procedure only serves to cause further stress and trauma to victims.

### **Identify and analyse alternative approaches and models of good practice in other jurisdictions in terms of policy interventions and programmes**

2.25 Victim Support NI would like to bring to the Committee's attention, the process of engagement with citizens which the Department of Justice and Equality in the Republic of Ireland adopted when developing its *White Paper on Crime*.<sup>2</sup> This White Paper aims to provide an overall high level statement of Government policy and to provide a framework for policies to prevent and combat crime. The Department consulted widely on this paper, holding public meetings with specific stakeholder groups, for example victims, older citizens, young people and ex-offenders.

2.26 Victim Support NI believes that the system as a whole needs to build on the first steps that the Lord Chief Justice's Office and the Public Prosecution Service are taking to develop outreach programmes to engage with the public. We would commend and encourage further outreach and engagement with the public.

## **3.0 Conclusion**

3.1 Victim Support NI believes that the citizens of Northern Ireland should be able to view the criminal justice system as fair and just for all. Therefore the fundamental tenet of the system of the rights of the accused to be assumed innocent until proven guilty, should not impact on the respect and dignity afforded to the victim in the investigation and prosecution of a crime.

3.2 We believe that the changes we are advocating for are achievable with minimal, if any, need for additional resources. The systems thinking approach highlighted in our discussion earlier may even highlight areas where savings could be made.

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<sup>2</sup> The Department of Justice and Equality White Paper on Crime Process:  
[http://www.justice.ie/en/JELR/Pages/White\\_Paper\\_on\\_Crime](http://www.justice.ie/en/JELR/Pages/White_Paper_on_Crime)

## Appendix I

### Eligible and ineligible offence categories for the purposes of NIVAWS

Offences eligible for inclusion	Offences ineligible for inclusion
Violence against the person	Drugs offences
Theft/handling stolen goods	Sexual offences
Burglary	Crimes involving a fatality
Robbery	Domestic violence
Criminal damage	Motoring offences
Offences against the state	Fraud and forgery
	All other offences

## Appendix 2

### Satisfaction Rates for Key Performance Indicator Question in NIVAWS by Year

Year	08/09	09/10	10/11
Victim Satisfaction	62%	65%	64%
Witness Satisfaction	70%	70%	77%