

Victim Support Northern Ireland

1.0. About Victim Support

Victim Support Northern Ireland welcomes the opportunity to comment on the Justice Bill.

Victim Support provides practical and emotional support to victims of crime across Northern Ireland. During the period 1st April 2013 to 31st March 2014, we received over 40,000 referrals to our Community Services. Out of this number around 3,000 people who were affected by crime were supported face to face, to work through the effects those crimes have had on their lives. In addition, more than 8,500 victims and witnesses were supported through the process of attending court and giving evidence and over 1,500 citizens injured as a result of violent crime were assisted with their criminal injuries compensation application.

2.0. General Comments

2.1. For the purposes of this response, Victim Support NI will confine our comments to a number of specific parts of the Bill. Specifically, Part One: Single Jurisdiction for County Courts and Magistrates Courts; Part 2: Committal for Trial; Part 4: Victims and Witnesses and Part 8: Miscellaneous.

3.0. Part 1: Single Jurisdiction for County Courts and Magistrates' Courts

Our organisation welcomes the move to a single jurisdiction for Northern Ireland, with the abolition of county court divisions and petty session's districts. Also, that the jurisdiction and powers of a county or magistrates' court are exercisable throughout Northern Ireland.

It is our hope that this decision will result in services which are much more adaptable and responsive, particularly to the needs of victims and witnesses and that there will now be greater opportunity to ensure that the location of trials are convenient and that safety issues in respect of victims and witnesses are not only considered but addressed.

4.0. Part 2: Committal for Trial

Victim Support NI welcomes the intention to repeal article 30 of the Magistrates Courts (NI) Order 1981, which enables a magistrates' court to conduct preliminary investigation of an indictable offence. We have long been of the firmly held opinion that the abolition of preliminary investigations and mixed committals would represent a significant step in addressing some of the considerable trauma and distress experienced by victims and witnesses of crime, during the court process. The experience of being cross-examined is a highly stressful experience when it occurs on one occasion, but to then be

required to give your evidence again, compounds the anxiety. This, we would strongly contend, is contrary to the interests of justice.

We can also see potentially significant benefits arising from the process of direct transfer, particularly in the contest of effective case management and speeding up justice. We appreciate however, that there may be an initial requirement to assess the overall impact on the system of these changes and therefore have no fundamental objection to a staged and gradual transition to direct transfer, beginning with Murder/Manslaughter cases. We would however, wish to see the ultimate aim of abolishing Committal in all cases.

5.0. Part 4: Victims and Witnesses

Our organisation welcomes the publication of a Victim Charter and have pro-actively engaged with the Department of Justice in the development of the proposals in this regard. We note that the Charter will initially be enacted on an administrative basis but will subsequently be placed on a statutory footing.

We firmly believe that the Charter represents a vital step in ensuring that Victims receive the highest standard of services as they progress through the Criminal Justice System. Also, that they are made aware of what services are provided and by whom and of how they may seek redress, should the service they receive not reach the required standard. We are additionally, fully supportive of the introduction of a Witness Charter on a similar basis.

In particular we welcome the acknowledgement of the need for victims to be treated with courtesy, dignity and respect. Additionally, we support the importance placed on the timely and accurate supply of information to victims and witnesses. This is an issue frequently raised by those who access our services and which we feel can and will have a demonstrable impact on the experiences of victims and witnesses of crime in Northern Ireland.

The provisions in respect of the right to be informed about any Special Measures if called as a witness in any criminal proceedings, is potentially of considerable benefit, particularly to vulnerable and intimidated witnesses. We would strongly contend that an individual's ability to give their evidence in a confident manner and without fear, can only be in the interests of justice.

Victim Support NI is already actively involved in assisting victims of crime to make a Victim Impact Statement. That the Charter sets out that victims must be informed about the opportunity to make this statement, should they wish to do so, is, in our view, a positive step. It is also essential that they are fully aware of how this statement will be used and specifically who will have access to its content and when. This is particularly relevant in light of the steps outlined in the Bill in respect of early guilty pleas and specifically the implications on sentencing.

6.0. Part 8: Miscellaneous

Victim Support NI supports the steps to avoid delay in criminal proceedings. In addition to the debilitating stress and anxiety caused to victims and

witnesses by unnecessary delay in the system, there are often significant financial implications. Delay is also cited as a key contributory factor to rates of attrition and can have an enormously detrimental effect on wider attitudes to the Criminal Justice System. We therefore welcome that the Department may, by regulations, impose a general duty on persons exercising functions in relation to criminal proceedings in the Crown Court, or Magistrates Court, to reach a just outcome as swiftly as possible. We are pleased to note that the regulations must, in particular take account of the need to identify and respect the needs of victims and witnesses.

Similarly, we see considerable merit in the stipulations in respect of active Case Management Regulations and that the regulations may impose duties on the court, prosecution and the defence. We fully support some of the key components of active case management, as outlined in the Bill (Pg.56, 80). Specifically, the early identification of the real issues; the early identification of the needs of witnesses; achieving certainty as to what must be done, by whom and when, in particular, by the early setting of a timetable for the progress of the case; monitoring the progress of the case and compliance with directions; ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way; discouraging delay, dealing with as many aspects of the case as possible on the same occasion and avoiding unnecessary hearings; encouraging the participants to co-operate in the progression of the case; making use of technology and giving any direction appropriate to the needs of that case as early as possible.

We would however caution that in encouraging the participants to co-operate in the progression of the case, all due care should be taken throughout the process, to ensure the safety and well-being of the victim and witnesses involved. Particularly where they may be vulnerable or subject to intimidation. We would also welcome some clarification of what sanctions may be put in place should there be a breach of the regulations and a failure to adhere to the functions of active case management.

7.0. Conclusions

Victim Support NI welcomes the publication of the Justice Bill and considers many of the provisions contained within it, to be positive developments. In particular we welcome the inclusion of the Victim and Witness Charters and the recognition of the key role of victims and witnesses in the Criminal Justice System, the importance of ensuring that they are treated in a respectful manner throughout the process and that they receive access to the information, care and support that they need.

We also support steps to encourage a more adaptable and responsive system and to reduce unnecessary delay in the system and to encourage active case management in this regard. We would caveat this support by stressing that speed should never act in a manner contrary to the interests of justice. While unnecessary delays are enormously frustrating for victims, there is an understanding that in some cases the process will, by necessity, be a lengthy

one. It is therefore of vital importance that victims and witnesses received timely and appropriate communication from Criminal Justice Agencies and that they are not left to feel abandoned and confused by the process. Similarly, that they are fully aware of what support is available to them, before, during and after the process.

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