



Northern Ireland  
Assembly

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## **COMMITTEE FOR JUSTICE**

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# **OFFICIAL REPORT (Hansard)**

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**Inquiry into Criminal Justice Services  
available to Victims and Witnesses of Crime  
in Northern Ireland**

19 January 2012

**NORTHERN IRELAND ASSEMBLY**

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

Mr Paul Givan (Chairperson)  
Mr Sydney Anderson  
Mr Stewart Dickson  
Mr Colum Eastwood  
Mr Seán Lynch  
Ms Jennifer McCann  
Mr Basil McCrea  
Mr Alban Maginness  
Mr Jim Wells

**Witnesses:**

Assistant Chief Constable George Hamilton	)	Police Service of Northern Ireland
Superintendent Andrea McMullan	)	
Mr Stephen Burnside	)	Public Prosecution Service
Ms Una McClean	)	
Ms Marcella McKnight	)	Compensation Agency
Ms Maura Campbell	)	Department of Justice
Mr Declan McGeown	)	
Mr Peter Luney	)	Northern Ireland Courts and Tribunals Service
Mr Paul Doran	)	
Ms Roisin Muldoon	)	Probation Board for Northern Ireland
Ms Rita O'Hare	)	

### **The Chairperson:**

We will now formally commence the Committee's evidence session. In order to make best use of time this afternoon, the evidence event has been structured into two parts. The Committee will first hear from the PSNI, the Public Prosecution Service (PPS) and the Probation Board for Northern Ireland (PBNI). Departmental officials will also attend, with representatives from the Courts and Tribunals Service and the Compensation Agency. The format of the evidence session will follow the standard practice; organisations will have up to 10 minutes to provide a short presentation, followed by questions from members for up to 20 minutes. Hopefully, the evidence sessions will provide members with the opportunity to look into the issues that criminal justice organisations have raised in previous evidence sessions with advocacy and victims' representative groups and individuals.

For members' benefit, there is a paper detailing some of the key issues that have been raised at previous evidence events and which the Committee may wish to explore further. Obviously, members will have other issues outside of that which has been provided. There are also suggested questions that pick up on some of the key themes that a lot of the groups brought to our attention. They are there for your assistance, but they should not restrict you in asking any other questions. There are also submissions from the PSNI, the PPS, the Probation Board and the Courts and Tribunal Service. The meeting will be covered by Hansard, and the evidence will be part of our formal inquiry.

Let us push on; I invite the PSNI to come to the table to make its presentation to the Committee. I welcome Assistant Chief Constable George Hamilton and Superintendent Andrea McMullan. Thank you for coming along. The session will be recorded by Hansard, and the transcript will be published on the Committee's web page. I hand over to you to briefly outline your submission, after which I will open up the meeting for members to ask questions.

### **Assistant Chief Constable George Hamilton (Police Service of Northern Ireland):**

Thank you, Chair. I thank Committee members for inviting us and giving us the opportunity to be here today. You will be aware that we have already tendered a written submission. Although I will draw on elements of it, you will be glad to know that I do not intend to reiterate the full submission in my opening presentation.

As you may be aware, the fundamental role of the police is to preserve life, prevent harm, deter crime and bring to justice the perpetrators of harm. We strive to achieve that through the delivery of personal, professional and protective policing, which presents significant challenges to the PSNI, particularly when we consider the competing demands, the variety of people with whom we come into contact and the fact that most victims' initial contact with the police is often at a time of heightened stress and emotional tension for them.

Most people do not call the police unless something is wrong. For many of them, that will often be their first and potentially only contact with the police. They may not have a clear understanding of the role of the police and of what can or cannot be done. Very often, they simply want their problem to stop and for the issue that they have raised to be resolved. It is against that backdrop that I will discuss service delivery to victims and witnesses.

What level of service can a victim expect? In April 2011, we published the policing commitments, which are designed to clearly outline the basic standard of service that communities — that is, victims and witnesses — can expect from their police. Those

commitments include fair treatment, victim updates at a specific time and an undertaking to provide updates that are tailored to the individual needs of the victim. The commitments outline how calls for service will be managed, including time skills and the response that can be expected. I will now give you some detail on the management of those calls for service.

As a service, we are often the first point of contact that a victim or witness has with the criminal justice system. In that sense, we are gatekeepers to the criminal justice system. The PSNI recognises that getting that contact right is crucial, as it often sets the tone for that person's ongoing engagement with the police and the wider criminal justice system.

During this financial year, the PSNI invested heavily in improving that first contact. That work has been taken forward as part of a wider programme of reform aimed at improving our service provision. It is called the R4 programme — the right people in the right place at the right time doing the right thing. Already, the R4 programme has delivered processes and policies for managing calls for service to a higher standard; policies and procedures that have now been implemented across the service. That has included professionalising our call-handling centres. Instead of having a small number of locally grown centres, we have created four larger, more resilient and specialised call-management units. All call-handling staff have now received specific soft skills training designed to improve customer service skills and service delivery. We have upgraded our information technology systems, adding flags, which better assist call-handling staff to identify areas of risk; for instance, flagging addresses at which firearms are held. We are building into our processes checks for previous history, all of which can assist us in providing the most appropriate response and identifying repeat victims.

Although all that has helped the PSNI to improve its initial service, we recognise that there is more that we can do. We are working on a bespoke call-management IT system and a system for the better identification and management of repeat victims. We are working to improve front line resource management, maximise call attendance and facilitate attendance at a time that suits the needs of the caller. We have already returned over 600 officers to the front line to improve service delivery and have delivered extensive programmes of work to reduce the amount of time that those officers spend in the station completing administration, including, for instance, the use of digital pens and mobile data devices. We are working to deliver a technological solution to ensure that the most appropriate and quickest resource is tasked to a call for service, regardless of district boundaries. Those changes will be introduced during the next financial year.

We have been working to better address the individual needs of victims within the wider criminal justice system, moving away from a one-size-fits-all service. That is at the heart of personal policing, which I referred to earlier, and has included work to reduce delay. For instance, in partnership with the Public Prosecution Service, we have introduced a telephone diversion scheme, whereby an officer can deal with incidents there and then, telephoning the Public Prosecution Service for a diversionary decision and immediately administering that. That facilitates a more immediate criminal justice response for the victim. Over the course of the financial year to date, approximately 2,000 diversions have been delivered that way.

Further to that, and again in partnership with the PPS, we have reintroduced discretionary decision-making. That allows officers to provide speedy, proportionate and visible criminal justice outcomes tailored to meet the specific needs of the victim. During this financial year, over 4,000 victims have had their crime resolved in this way, with over 95% of those victims saying that they were satisfied or very satisfied with the service that they received.

In relation to the cases that are being reported to the Public Prosecution Service, we have,

through the R4 process, introduced significant improvements, including the creation of four specialised case-management teams supported by relevant technology and processes that focus on ensuring case quality.

We have worked to improve the voice of the victim in the criminal justice system. For instance, we have widened the use of victim impact assessments and improved the quality of those. We have delivered changes to our victim update processes. As a service, the PSNI is responsible for updating victims on the progress of the investigation, from the point of initial contact with the police through to the point at which their case is forwarded to the PPS. Our new processes clearly outline the time frames within which officers must update a victim. Adherence to those time frames and the quality of the update are robustly managed using the Niche system. Officers failing to perform updates, or failing to perform them to a specific standard, are highlighted to their respective managers for remedial action.

We recognise, however, that we still have much to do in the area of communication with victims and witnesses. We are currently working with our criminal justice partners to improve that service. The work is primarily focused on the provision of a single point of contact for a victim or witness for their whole journey through the criminal justice system. We are working to deliver that service through the development of victim and witness care units, which would provide a focal point for the victim. The victim would be provided with a named caseworker who would provide them with relevant updates the whole way through the justice system and would, for instance, ensure that, when a victim has a special need or vulnerability, that need is adequately met by facilitating the provision of tailored support services through, for example, joint working with Victim Support and improving interagency communications.

The victim and witness care units will also be key in managing the early identification of vulnerable and intimidated witnesses and ensuring that that information is shared promptly right across criminal justice agencies. Until those units are introduced, however, we will continue to work with the PPS to improve our current services. That includes work to improve the provision of special measures, which are, quite simply, just that — measures that are put in place to assist vulnerable and intimidated witnesses to give the best possible evidence in criminal proceedings. The identification of vulnerable and intimidated witnesses is paramount and must be done at the earliest stage of an investigation if we are to ensure the best quality of evidence. That identification is particularly challenging for police. As a direct consequence of that, we have, in partnership with the PPS, recently developed a training package to heighten officer awareness in that area. The training is currently being delivered to all front line officers and will assist in ensuring that the needs of victims and witnesses are given appropriate consideration at the earliest possible stage, thereby improving service delivery.

The PSNI has also invested in achieving best evidence (ABE) training, whereby — again, assisted by the PPS — specialist ABE officers have been trained in joint protocol and achieving best evidence interviews. We are involved in a working group on vulnerable and intimidated witnesses so that we can improve the service to victims and witnesses, and that work includes, for example, work to facilitate the introduction of registered intermediaries. We are continuing to work to improve relationships and to encourage reporting and engagement with communities who may be marginalised or have a particular distrust or nervousness about reporting incidents to police. That includes our work with the Northern Ireland Council for Ethnic Minorities (NICEM) and the Rainbow Project. It also includes officer awareness training, local engagement programmes, provision of interpreters and work to break down barriers to communication.

Work also continues on specific crime types, such as domestic abuse, sexual crime and

murder. We continue to provide specialist services and trained officers, extending, for example, to family liaison officers. That scheme enables them to engage the relevant support agencies, such as Women's Aid and the National Society for the Prevention of Cruelty to Children (NSPCC), for serious and more complex cases.

In conclusion, I reiterate to the Committee that the Police Service of Northern Ireland is committed to working with the wider justice system, the voluntary sector, non-government agencies and communities to develop and improve our services to victims and witnesses. Much work has been done, but, clearly, there is much work still to do. Thank you, Chairman.

**The Chairperson:**

Thank you very much. Can you talk me through what happens when an officer who is the initial point of contact for the victim of a crime comes forward to deal with that individual? What training has been provided to the officer to enable him or her to deal with that? Some responses that we have received have highlighted that that is the first opportunity for individuals to have empathy shown to them — or not. That can have a big impact on victims. How is the officer prepared for that initial meeting with a victim of crime?

**Assistant Chief Constable G Hamilton:**

I will make some introductory comments and Andrea will then provide the detail. Some of the work that is being done to establish the four call-management centres has meant that we have recruited into the organisation people from a call-handling background. That is because, these days, the first point of contact is generally a phone call. Engagement with the police begins with that phone call, so it becomes critical. From that phone call, information is obtained and some prioritisation is put in place. Then, very often, a police officer will be deployed.

**Superintendent Andrea McMullan (Police Service of Northern Ireland):**

I will start with the initial contact. There was a recognition that our soft skills were not what they should be, in that we were very focused on the processes and procedures of the police. We had 10 years of being pushed down that road. We, therefore, worked with an external company to design a soft skills course for call-takers, which teaches them how to answer the phone, how to deal with people on the phone who are upset, which we may perhaps take as conflict, and communication skills. So, we did that soft skills piece for the point of contact.

The officers who respond and attend initially receive very good training in that area, and there are lots of things in the six-month training package. Those officers then go out into the wider policing environment and spend two years as probationary officers. During that period, there is quite good scenario-based training that looks at soft skills and dealing with particular situations. As you move out across the organisation, however, there is a patchy picture in relation to how we train officers. In picking up on that, we have looked at specific areas where there is particular need and where we are particularly weak. One of the key areas is identifying the 10% to 20% of victims who need additional assistance. That is reasonably specialised and is something for which there was no general training. We have trained only our specialist units, so we have rolled out a very particular course for officers, and all front line officers will now receive that training.

When we rolled out some of our other initiatives, we built in other pieces of training around engagement, but they were specific to those initiatives. All officers received a full scenario-based training session on discretion. Again, we brought in specific trainers to do that. The trainers were not police, and they were not looking at it from a police perspective but from a softer skills perspective, whereby the victim is engaged in the process. Again, some of the feedback from some of our victim contact was that, when police officers come out, the first thing they do is fill

in forms. The feedback was that they are more interested in form-filling than listening. So officers have received training on discretion that teaches them about engagement and about setting aside forms and instead having a conversation about the needs of the victim.

The next stage for us is to look at how we pull together all the small pieces of training that we have already delivered into a wider package that is delivered as part of a continual improvement process and that is linked into the new individual performance review, which is an appraisal system that was launched last November. Linked into that will be special benchmarks for training. That is not developed yet, but we will develop it as we move into the new year.

**The Chairperson:**

There was mention of the organisation being process-orientated. When you develop a new way of doing things, at what point does the impact on a victim come into it? I know that we are used to getting victim impact assessments from an individual when they go to court. However, does the organisation ever carry out such an assessment of the processes and the way it does business?

**Assistant Chief Constable G Hamilton:**

I think that some of this is about a cultural shift. It is much easier to tick boxes and forms and follow processes than it is to engage with an individual. I think that there has, rightly, been a degree of scrutiny of the behaviour and conduct of the Police Service over a number of years. Part of that scrutiny may have focused people on doing the stuff that is easily recorded and documented rather than on emphasising personal and individual needs. The three Ps — personal, professional and protective policing — are not just three pieces of alliteration that the Chief Constable likes. They are about an absolute desire to have personal policing so that people are being dealt with as individual human beings. The process, the form-filling and the systems come in behind that, if at all. So that is very much where the focus is. That challenge is there. It is a leadership issue. I think that that is coming from the top of the organisation and being drilled down. It is about how it will look for the individual and how the individual will respond and react to that.

**The Chairperson:**

Is there a victims' champion or an advocate in the organisation who says, "This is what we should be doing"?

**Assistant Chief Constable G Hamilton:**

I am he.

**Superintendent A McMullan:**

What we have designed now recognises some of the failures around victims. Our piece of work on victims sat in a different area of criminal justice within the organisation. It has been moved into the area that links with delay because we recognise the cut-across from the two. So both issues now sit together. We now have a specific team of officers who are looking purely at the piece of work on victims. They are looking at the development of that piece of work and not dealing purely with victims. As we move towards the wider development of that and the victim and witness care unit, the team will grow, depending on the particular project focus. It involves not just officers but civilian staff, too. What we have done that we were not historically good at is to bring people in from district for short periods. Those people are actually in contact with victims. Sometimes when you are developing things at headquarters, you are in a kind of glass building; you are standing at the top of a tower. So we have brought them in to help us to feed back to the community.

We have carried out some heavy consultation on the speedy justice initiatives that we have been driving forward over the past two years. We have gone out to see community groups and have sat with community-based restorative justice groups, and they have brought victims and some of their regional groups to meet us. We have also met agencies that represent victims, and we have taken their comments on board. Our scheme is currently out for consultation. We are a year into this now, so we need to ask, “What does this look like and how is it developing an impact?” We survey victims as well, and we act on those findings. For instance, if we find something that has a learning trend, that will feed back in as well. We are building that into our processes much better than we did perhaps two years ago. We may not be there yet, but we are building it in.

**The Chairperson:**

Finally, can you describe to me how the victim and witness care units would operate? One of the themes coming through is that, although the organisations within the criminal justice system are independent, to the victim they are part of one continuous process, starting with the police, then moving on to the PPS, the courts, and so on. How do you envisage the care unit and the one-stop-shop arrangement operating, and what will the police’s role be?

**Assistant Chief Constable G Hamilton:**

We can draw on evidence and experience in other places. There are two separate models in operation, one in England and Wales and a different one in Scotland, but we need absolute clarity about who is responsible for what and at what point. That would largely relate to the Scottish model, which has very clear lines drawn so that the police have responsibility up to the point of referral to the Procurator Fiscal Service, the prosecutorial authority. A subset of the prosecuting authority, the victim information and advice (VIA) service, carries the ball from that point forward through engagement with the victim. That works because it is crystal clear who has what responsibility and when. It is slightly different in England, and Andrea can comment on that because she has been across and seen some of that.

We are proposing a care unit that would be a one-stop-shop, right from initial engagement with the police. Obviously, the individual police officers would have the individual engagement, but, at a very early point, there would be a contact point where victims can get updates if they have concerns or if things spring to mind that they want to talk about with the police, the PPS or whoever along the way in the process. The idea is to have a central hub for victims and witnesses. Would you like to talk about the detail of the model, Andrea?

**Superintendent A McMullan:**

I like to see something in action and get a feel for it. In practical terms, I see this as being jointly staffed by police and the PPS, along with the additional agencies that need to be embedded, whether that is Victim Support or whatever. It would sit in a single location, using a single IT system that is fed from Causeway or is a hybrid of the PPS/police system. Quite simply, when a case comes in, it would be allocated to a case worker. Those would not be high level staff — they would have administrative roles — but they would have access to all the information across the system. They would also have access to the relevant staff from the relevant agencies and would be empowered to have the conversations that they need to have with them to get the information that they do not have or to seek clarity. They would then make contact with the victim, provide their details, and act as a conduit to the victim.

We see the conversations as being initially verbal but with a written follow-up. Other points of contact would be through the medium of IT; you could come in through a hub and leave e-mail



messages, and that would provide a much more expanded service. It probably would be more efficient for the justice system as it would mean that we are not managing individual processes. It would also assist communications between the agencies at an operational level. You will hear evidence from the PPS later, but that is certainly the premise on which we have been working with the PPS, and I think that that is a shared view.

**Mr Wells:**

I have been around for a very long time. One of the most common complaints from victims is about the lack of contact with anyone and the sense of helplessness that often compounds the crime. It is a bit of a pity that, despite having had many representations with us over the years, it is only now that you seem to have cracked it. To be fair to you, though, over Christmas, there was an ugly incident in a part of Kilkeel where there was not much support for the police until recently, and you got it absolutely right. I must say that I was very impressed with how the issue was dealt with and followed up. We are beginning to see the outworkings of what is being done.

Can you give us an absolutely categorical assurance that no victim will be left high and dry in the future, as has happened so often before? Is that a thing of the past? If it happens, will that mean that a major mistake has been made in the system?

**Superintendent A McMullan:**

From a police perspective, setting aside the victim and witness care units, over the past year we have rolled out a new victim update system, which is very clearly managed by an IT system. A victim is updated at 10 days, 30 days and 75 days. At 30 days, a victim can nominate that he or she does not want the 75-day notification, and that has to be marked clearly on our system. That is audited, and the system provides a feedback to us to state that these updates have been done or not been done. It also provides an escalation. Therefore, if an individual officer who gets an update is on leave or is just not doing it, we can audit that, and there is a follow-up process. I can say categorically that we have a method for managing that and knowing which victims are being updated and which are not. We have a process for dealing with the victims who are not updated, which we did not have before. We never had a system that completely managed it all and gave us full oversight.

**Mr Wells:**

If someone contacts me or any other MLA and says, "I have heard nothing for 30 days", that would mean that there has been a mistake in the system and that we should go straight back to you to say that something has gone wrong.

**Superintendent A McMullan:**

They should have an update at 10 days.

**Assistant Chief Constable G Hamilton:**

Yes, but policing is a human endeavour. If it goes wrong, we will deal with that. The safety net that we have in place now is the management information system, which lets us know if something has gone wrong. That in itself should reduce the likelihood of a mistake happening. All this is linked to the performance of the individual officer. The issues around personal policing and the connection with individuals are the sorts of things that we will measure in the individual performance review, which is another step change that was brought in to support the victim-centred approach.

**Superintendent A McMullan:**

What should happen is that that will escalate to the line manager of the person who has not done

it. That line manager should pick it up, allocate it and ensure that it is done. Technically, it should not happen, but a good system is now in place to manage it, and that system was not there before.

**Ms J McCann:**

Thank you very much for your presentation. I will pick up on the issue of having contact with people and keeping them updated and the reasons for the breakdown in that. Community policing teams, for instance, are very good at working with community representatives who liaise with victims of crime, especially on bail conditions so that they know whether the person who has been charged is allowed to be in a certain area or whatever. A lot of those community teams work very well. I want to pick your brains on the roll-out of this. Getting the systems in place is fine, but it is always down to whoever is working the system, whoever is on. Is there some way that you could incorporate the fact that there are people there who have already had the training, having worked with organisations in the community?

I also want to ask you about the sexual assault referral centre (SARC), which seems to work well in other jurisdictions. I heard about it several years ago, but I would like an update of where that sits now. I noticed from the NSPCC and Women's Aid evidence that there are nurses that are trained in the South to do forensic tests on people, particularly in relation to sexual crime. Are those sorts of things in your mindset in rolling this out?

**Assistant Chief Constable G Hamilton:**

I think the inference in your question is about the difference between some of the community and neighbourhood policing teams, and other aspects of the organisation. We have made it very clear what the standards and expectations are. The policing with the community strategy and the way in which people engage in a personal and professional way applies to all police officers — in fact, it applies to all police staff as well — so much so that all departments right across all disciplines in policing have had to come up with their own delivery guide for what the policing with the community strategy is going to look like. Right at the heart of the policing with the community strategy, as I am sure you are aware, are the principles of engagement in partnership and service delivery. We are making sure that service delivery is done in a personal way.

There is specific training for officers going into neighbourhood policing teams, but those officers are largely drawn from response policing teams. There is a bit of an irony in that, because that group of policing is often criticised about not taking time and being personal — “fire-brigade policing”, “form-filling policing” and all that sort of thing. The challenge for us — and these are conversations that I have been having with the head of training in the last few weeks — is the need to get the right ethos. There is something about what we specifically want people to do, but it is also about how we want them to do it, spread right across all disciplines of policing.

In relation to SARC, Andrea might have some detail on the Antrim project, but that is exactly the direction that we need to go in. I know that there has been some progress in recent weeks. Part of the SARC facility is about making sure that the most suitable people are there, trained and equipped, and trained not just in the harder medical skills but the full range, in order to deal with the victim in the best way. Sometimes, that involves nurses. A lot of the good stuff in SARC, which I have had recent experience of in Glasgow, is actually the bit beyond the police. It is all joined up, and there is an aftercare service. Although there is a need for the medical examination, for both the person's well-being and the capture of evidence, the really critical thing for victim care is the post-operational piece, if you like. As an organisation, we are absolutely behind that and we have invested in it. I know from one of the initial briefings we have had that there was a

bit of a glitch with the Antrim build, and so on. Maybe you have some more detail on that, Andrea.

**Superintendent A McMullan:**

We can say that the funding was secured for SARC. It went out to tender, which, as you know, is a long process. It is reasonably well known that there was a problem with the building contractor, who has since gone out of business, so we have now had to go out and re-tender. We are hopeful that the referral centre will be delivered by early 2013. With regard to the use of nurses, we currently use doctors. We do not specify that it will be a female but if a victim wanted a female doctor, most of our forensic medical officers (FMOs) who are specially trained for sexual offences are female. I think there is only one male, who is a temporary member of staff, but I would need to check that. We are looking at a full review of the healthcare provision within the PSNI. That is ongoing as we speak, and is linked to the development of new custody processes. We are looking at wider use of nursing staff as part of that. I am not directly involved in that, but I will certainly feed back the comments made today and ask that they specifically look at that as part of the review, if they are not already doing it.

**Mr S Anderson:**

Thank you for your presentation. I certainly appreciate your continuing efforts in this area of work in addressing updates to get information back to victims. I want to pick up a point that my colleague Jim Wells raised in relation to your 10, 30, and 75-day update times. Andrea, you said in your presentation that 10% to 20% of cases are in need of special assistance or attention. In that case, could those 10, 30 and 75 days change for those people? Could the dates be varied so that a lot more attention is given to individual victims?

**Superintendent A McMullan:**

Those dates are a benchmark that sets a minimum standard. If a case involves a family liaison officer, victims will receive one-on-one support in the early stages of the case, and that support will then be tailored to the needs of the victim. Victims of sexual crime will probably get more support. Support is case specific, but we have tried to set a benchmark that allows us to measure the support that is given and to say that all victims will at least receive that minimum standard.

There are provisions in place to ensure that victims of specific crime types receive support, but we have more work to do in focusing on needs in those cases that do not fit a specific crime type. Not everyone will need the same support. Vulnerable people may not need the support that is offered for one specific crime type, but they may need the support that is offered for another. It is a very difficult business to get right. We are moving forward with it, but it is not something that we have cracked. However, victims of specific crime types get support. For example, if a victim goes through an ABE process, which is a fairly specialised interview process, they will receive additional support. That process is about encouraging people in the giving of evidence and supporting them.

There are vulnerable people and communities that are hard to reach out to. There are also victims in those groups with whom there are difficulties in giving support, and we find that challenging. For example, we are working with the Traveller community about how we can better engage with and support that community. We have received some feedback from that community that the police do not take issues in that community seriously. We are trying to work to improve the reporting of those issues and how we support victims of, in particular, domestic violence. It is a learning and development process. Additional support is given to victims, but that support is not regimented or set in stone.

**Mr S Anderson:**

That brings me to isolated victims and perhaps elderly people who live in rural areas, with whom I have had experience. George said that high levels of emotional stress are encountered at the first point of contact. However, that stress continues right through until cases are dismissed in one way or another. What efforts are made for those victims who feel isolated? What form does the contact with those victims take? Is it through the use of present-day technology, or do PSNI officers visit those victims and develop personal relationships with them? A big issue for those victims is the building up of personal relationships with police officers, so that they trust them when they visit. How do you see that personal contact continuing? With the pressures that you are under, are there resources to do that?

**Assistant Chief Constable G Hamilton:**

We need to understand the diverse needs that people have. Some of the well-intentioned mistakes that we have made before were done through putting people or groups of people in boxes and trying to find a one-size-fits-all solution. From day one at the police college, we try to breed and encourage the notion of officers identifying those personal needs.

I was in the home of an older person just before Christmas. Two police officers walked past in high-visibility jackets, and, as they walked past the house, I thought that that was good visible policing. However, the older lady said to me, "There's police out there. I wonder what's wrong." The presence of those officers almost created fear in that lady. I am not saying that we should not have officers on the streets in high-visibility jackets, but different people have different needs, fears and concerns. We are trying to change the entire organisation, so that individual officers see individual citizens as individuals and realise that their needs are many and varied. We need to be able to identify those needs and to meet them.

You talked about cases of older people who live in isolated circumstances. First, we need to identify that that is the case. The whole concept behind neighbourhood policing is that police in an area know the area, have ownership of it and are known by people who reside there. I would like to think that, as time goes on and there is more and more contact with residents, those relationships could be built up. There are also specialist services that neighbourhood officers can bring in such as giving advice on crime prevention and safety. Support can also be offered through various schemes that we can encourage people to invest in or that, in certain circumstances, we can find the funding for. It is that idea of identifying the diversity of need and then coming up with a solution, through ourselves, the voluntary sector or whatever initiatives might be in place.

**Superintendent A McMullan:**

On the specific issue of older people, we do a lot of work with Help the Aged, which now has a call-out scheme whereby, if someone has been burgled for instance, it will send a handyman to help secure the house. We link in with that. Some of our initiatives deliver tailored responses, and they are particularly important for vulnerable groups, because often the crime is low level and they do not want it to go into the formal system.

The period in which the crime is dealt with is crucial because it hangs over them, as they do not know what is happening. We have found that some of the feedback from the discretion scheme, which tends to have the crime dealt with from start to finish within seven days or, at maximum, 14, is very helpful. I do not want to give examples because you are short of time, but some of the cases that involve elderly people have had very positive outcomes, in that the damage has been repaired. The older people have also perhaps re-engaged with some inter-generational issues, and with youths who may have been involved in the offending behaviour. That has made

them feel safer, rather than more isolated.

Sometimes, entering the justice system makes older people feel more isolated because you have taken a case and you then perceive that other things are happening because of it. This has helped with some that, and it is a restorative process. We are trying to help people go down a more restorative route.

**Mr A Maginness:**

Thank you both for your very interesting contribution. It seems to make very good sense that the police have become victim-orientated and that you look after the interests of victims of crime. However, it represents, in many ways, a sea change. I do not know whether you accept that, but it seems so to me. I wonder why that sea change has taken place. Can you give us any idea of the genesis of it? The police have become very conscious of the needs of victims, whereas, before, one might say that the Police Service was not as conscious of the needs of victims.

I can give you evidence of that from my own experience. In 2001, my office was bombed by a paramilitary organisation. Very serious damage was done. Three people upstairs could have been killed but, by the grace of God, they were not. I am not certain whether the police counted me as a victim of that, because I was not there. However, it affected me significantly; it affected my office and my staff, etc.

A year or so later, I read in the newspaper that a person had been convicted for that. I had no indication whatsoever from the police, with whom I had good and very close relations, that the case was coming to trial, that anyone had been charged, or indeed that the trial had taken place. That seemed to me to be very bad, as a case of police relating to a public representative. If the police were treating me like that, how were they treating ordinary people? Therefore, I think that there has been a sea change and I wonder how it has come about. I commend the police for it.

**Assistant Chief Constable G Hamilton:**

One issue has driven the change so that we are now moving to a more victim-centred approach to service delivery, and that same issue — for me — potentially held us back from that step as well. That is the issue that I mentioned earlier, in passing, around scrutiny. It is actually easier for officers if they have a very clear policy: almost as though they have a flow chart that says what they should do next, rather than having to ask about the needs of a particular individual, having to exercise that human judgement, and allowing them to get it wrong sometimes. With scrutiny comes criticism and blame when we get it wrong. There is something about empowering people to make judgements about how best to deal with and how best to problem-solve certain scenarios. I think that looking over our shoulder like that might have slowed us down. That is not an excuse; it is just a hypothesis that I put to the Committee for its consideration.

Because of that level of scrutiny and inspection, we have had a significant number of reports from a variety of bodies, such as the Criminal Justice Inspection Northern Ireland (CJINI) and the Human Rights Commission, among others, about our handling and — let us be candid — our shortcomings in dealing with victims. Moreover, there is the power of our current structures for monitoring and accountability through district policing partnerships (DDPs). In my previous role as district commander for south and east Belfast, I often heard powerful anecdotes at district policing partnership meetings from members of the partnership and of the audience about the quality of service that they were getting, as well as some of its shortcomings.

The policing architecture has strengthened victims' voices, and with that has come a level of scrutiny through the Policing Board, the DPPs, and the various inspectorates and commissions.

They have spoken loudly to us, and we have responded. Bizarrely, and this is my own view, some of that scrutiny might have led us to something of a one-size-fits-all approach. A good example is discretionary disposals. The victim reports an incident to the police, and an officer speaks to the victim: "You've had your window broken, Mrs Smith. How would you like this to be dealt with?" She might reply: "I would like the 14-year-old to be spoken to, and I would like my window replaced, please." The police officer no longer has to think about filling in a form and recording a statement and all the other bureaucracy. He simply has a conversation with the 14-year-old: "Do you take responsibility for what you have done?" "Yes." "Do you think that you owe this person an apology?" "Yes." "Do you have the means to repair the damage?" "Yes." We then have a disposal within two hours, and the victim is entirely satisfied with the police response. It means that a 14-year-old is not sucked into the criminal justice system and does not get a criminal record. Also, we avoid the bureaucracy of a file going through the police and the PPS and coming back for amendments.

However, when that was introduced, we had to get officers to have the courage to take responsibility for making decisions that are human judgements. Sometimes, after we have unpicked everything, we find that an officer might have got it wrong and could have made a better judgement. However, we have to allow people to make judgements. Sometimes, a more appropriate judgement might have been made, but if an officer acts in good faith it will be a learning experience. That is a very long-winded way of saying that scrutiny has been a positive development but has prevented us sometimes from doing the individualised personal policing work.

**Mr B McCrea:**

You are fortunate on this Committee to have people with experience of crime. Like Mr Maginness, I was a victim of crime. I looked through your report and I wondered whether your changes would have satisfied me. My experience was not as traumatic as Alban's, but we were burgled twice, although the second time was attempted burglary. They put a boulder through the window in the middle of the night in an attempt to get the keys. It was quite an interesting experience. I engaged with said burglars and managed to grab an arm before realising that that was a stupid thing to do. At six o'clock the next morning, the PSNI phoned to tell me that they had uncovered a car with a man with a sore arm and that it might have something to do with me. *[Laughter.]* I was not sure whether I would be charged, to be honest.

I understand that this a really broad area, but you can only talk about your own experience. A couple of things struck me about that incident, which happened around 3.00 am. The police were very good about coming promptly. However, Jill was particularly traumatised. There was a hole in the window, and all she wanted was for it to be fixed. There was a sense of personal violation and that the house was not complete. I had to put a bit of plastic on it even though that would not make it secure. There is a psychological impact.

The police sat for ages, taking details in longhand. They wrote things down, took witness statements, etc. I do not know whether it was because I was a public representative, but the process seemed to go on for ages for someone who was highly traumatised. There is nothing in your paper and in your discussion here about how you mitigate the effects of a crime when you are first on the scene and have to try to deal with these things. The 10-day follow-up, etc, is great, but you are first on the scene, whether it is a boulder through a window or a bomb attack. How do you deal with people who are very badly traumatised? Where is the improvement in handling that aspect of things?

**Superintendent A McMullan:**

It is not 100% yet, because it is a varied picture. That is the starting point. There can be traumatised people involved, and there may be officers to whom the message has not yet reached. We have tried to focus on the need to remove the requirement to fill in all those forms. When we get to you, our primary concern should be about how you are, what happened, and how we can pass the information to colleagues without creating an overly bureaucratic process. At the minute, the R4 process has delivered a method whereby, instead of an officer filling in forms in longhand — and more often than not getting it half-wrong and putting it into our system wrong so that when we go to update people we do not have the telephone number — we have a very quick phone-in system whereby the victim, when ready, can pass the details to someone at the other end.

**Mr B McCrea:**

I can understand that that would be the case when people are phoning in details, but with respect to burglary — and when one is on the Policing Board one can see the rise in the number of burglaries — where the police are there and it is not about someone phoning in, do they still have to write everything out in longhand because that is what the PPS requires for evidence purposes, or can you make, for example, a recording and transcribe it later?

**Superintendent A McMullan:**

What we should be doing in that instance is coming back to people when they are less traumatised in order to take the details required for the investigative process. I suspect that when we came to your house initially it was to fill in the forms to populate all the systems. That is not done because the PPS requires it but because we have to collate certain statistics for crime recording. However, what we are doing now is saying that most of those details will be on our system already. For instance, we will know who you are, because although it might be the first contact that most people will have with the police, their details will be on an electoral register, etc. Now, when you ring us initially, all of that ancillary information will be pulled together from the various systems so that we do not have to stand at the scene and get all that information from you. We still have to establish some of the basics, such as whether you know what happened, but the statement does not need to be taken immediately.

We are trying to develop a system with our officers whereby they can tell you that they have enough to do the initial investigations — enough to link the person in the car to your house — and ask you to tell them when it would be suitable for them to come back and get all of the other information that they need for the investigation process. That information is not required because the PPS says so; it is because the courts require a certain level of evidence. However, a victim's evidence when it comes to burglary is that they were in their house at a certain time, that they left their house secure, that someone came and did X, that the house is now not secure and that something has been taken.

It should not be a traumatic process. I think that we have officers who are still saying that they have to cover every aspect — going back to what you were saying — in case their boss or someone else comes along and criticises them. We are trying to change that culture.

**Assistant Chief Constable G Hamilton:**

The process around R4 took the number of pages in the crime report from being in the teens to an application that is much shorter and is on a Blackberry so that people can simply rattle in the details they need. Even at that, one of the commitments that we made to the public — as much for internal consumption for our officers as it is for the community — is that we will engage with you at a time that suits you and meets your needs. If we are serious about personal policing, we

should be asking traumatised victims, people with crying children, or sleep-deprived public representatives whether we can grab —

**Mr B McCrea:**

A sleep-deprived public representative's better half was the issue.

**Assistant Chief Constable G Hamilton:**

There may be some fundamentals around capturing a piece of forensic evidence that we need to get, there and then, but that would be the exception rather than the norm.

**Mr B McCrea:**

I do not think people really get that as an issue until it happens to them. There is significant trauma in what, statistically, would probably be recorded as a minor incident, such as an attempted burglary. The effect of an attempted burglary on another person in my constituency was so traumatic that they ended up insisting on selling the house. The wife would not stay there because someone had been in the house.

At some point, we have to reassure people and deal with that trauma. You referred to other agencies, such as Victim Support, but they tend to come in later. I interacted with them about personal injury and things like that. You may investigate crime but you also happen to be first responders. When it comes to computerised reporting of these things, I will tell you what happened when the PPS got involved, which, believe me, was even more interesting.

The other thing about taking evidence is that we ended up having an identity parade. By the time it got round to doing that parade, we could hardly recognise Northern Ireland, never mind anybody stood there. It took so long to get there. We did not know that we would have to do it. We had no idea about writing down what we would do. People are in shock and all those sorts of things. If that is part of the evidential chain, it is not much good. It is partly about how you get in and understand the reality of what is happening. I mention that only as part of your ongoing work. I do not expect you, George or Andrea, to say anything other than: "We feel your pain and we are going to try to do better next time."

This is not about ticking boxes. This is about personal intervention, which I think presents a huge opportunity, as the Chief Constable would say, for the police to win friends and influence law-abiding citizens who have become victims. It is not an idle part of policing.

I will not detain the Committee any further. However, that is where I would like to see movement. It worries me that computerised records depersonalise rather than increase the amount of information.

**Mr Lynch:**

I will keep my contribution shorter than Basil's.

**Mr B McCrea:**

I am sorry about that, Seán. I was just sitting and waiting.

**The Chairperson:**

He was getting his trauma off his chest.

**Mr Lynch:**

The delay in cases coming to court has come up as one of the key issues in this inquiry. I know



that a lot of responsibility for that falls on the PPS. However, what role have police in speeding up justice by bringing cases to court and ensuring that they come to court? That delay has a major impact on victims.

**Assistant Chief Constable G Hamilton:**

That is your day job, Andrea, so I will pass over to you.

**Superintendent A McMullan:**

There is a joint responsibility. I do not think that a lot of it falls on the PPS. We start the process and there is a joint responsibility across the system. That responsibility extends right across the whole system, including right into the court process and the judiciary. Our system is adversarial. Whether we like it or not, that is the nature of the system. Therefore, that sometimes dictates some of the processes.

Over the past two years in particular, we have worked quite hard — I know because I have been leading that piece of work — on reducing delay. We are doing significant pieces of work, but, without the necessary and requisite infrastructure changes, those pieces of work are not visually impacted. We have tried to reduce the number of cases going into the system. So, you have 60,000 cases entering the system of which only 30,000 are ever going into the system to go before a court. We recommend that the PPS uphold most of those cases that go into the system, and the majority of our recommendations are accepted.

So you are already swamping the system with 30,000 potential cases that do not need to be there. That creates 30,000 case files, which slows the system down. We have developed a number of things with a view to reducing the number of cases that physically go into the system, including a telephone diversion scheme, which we spoke about, and the use of discretion.

During this year, we have focused our attention on the cases that are in the system and on trying to improve the quality by being more specific around what is required. We have managed to agree with the PPS very clear guidelines on what is required. We did not quite have that before, and it is a grey area, so it depends on that. We have in place a case-ready system so that we know what the case looks like. We have developed streamlined processes and files for those cases, and we have looked at the difference between a charge case and a summons case. It takes a case twice as long to go through the system if we deal with it by summons, so why would we not start by trying to deal with everyone by charge? Therefore, we are looking at moving towards a pro-charge approach, and we are currently piloting that in two districts. It will be rolled out across the Province by June, so we will have a streamlined charge case.

What we do not have, however, are things that will knock 100-plus days off the system, such as changes to commitment and arraignment processes and to the preliminary enquiry/preliminary investigation (PE/PI) process. Essentially, if a victim's case is a serious one, they could be subject to two trials. They go first to see whether they have a case to bring before the court and then they get to bring the case to court. You can imagine what that is like for a victim. The PPS could provide you with accurate figures, but my understanding is that that adds more than 100 days to a case.

We are doing significant work, but infrastructural change is required. Currently, all of our summonses require to be signed by a Justice of the Peace, which adds time and delay to when they can be issued to the police. If we do not serve them within a certain period, they have to go back to be reissued and re-signed, which automatically adds another six weeks. I do not mean that we are not serving them. If I, as a police officer, call at someone's house to serve a summons

and that person is not there and I then try persistently to serve it and am not successful, it has to go back within a certain time frame to be reissued.

All of those wider issues still require to be addressed. We are working to address them, and, hopefully, new legislation in the form of the next justice Bill will be out for consultation. I am sure that the Justice Committee is aware of that. Ongoing work is taking place, but a systematic change needs to be made. It is wider than just the pockets of work that we are doing, and we are working in a more joined-up way with various working groups under the Department of Justice (DOJ). Does that give you a flavour without going into the depth of it? Active work is ongoing.

**Assistant Chief Constable G Hamilton:**

The issue of whether statutory time limits should be placed on the criminal justice system is, ultimately, a matter for the Assembly. The Criminal Justice (Northern Ireland) Order 2003 makes provision for that, and it needs to be examined whether the provisions are fit for purpose or whether a more appropriate method of setting statutory time limits would be better. Members may be minded to give that some consideration, because it would compel the full criminal justice system to perform within certain timescales, other than in exceptional cases. That does not currently exist.

**Mr A Maginness:**

Perhaps this is an unfair question, but you raised the issue of statutory time limits. Has the PSNI an official view on statutory time limits? Does it support them?

**Assistant Chief Constable G Hamilton:**

Yes, our view is that they are now necessary. There are some fundamentals that we need to have in place otherwise the entire system will fail. The first time that statutory time limits were mentioned was in the criminal justice review in 2000. Therefore, for 13 years, we have been talking about getting the house in order before we move to this. There is something about the urgency that the introduction of statutory time limits would bring. There is a whole host of things around committal proceedings, which Andrea talked about. We have a question around whether they are always necessary. In some circumstances they are, but it does not mean that every case that goes to a higher court needs to go through a preliminary inquiry or a preliminary investigation stage. There is a whole piece on judicial case management, because our view is that there is little point in having a “hurry up and wait” scenario; we need to make sure that this runs right through from the start of the process — charge or even arrest — to disposal and sentencing.

The Lord Chief Justice recently issued some case-management protocols, which we welcome. There are some challenges for us that we will have to work through. However, as more and more discipline comes into the system from the various agencies, we will move to a point where statutory time limits are meaningful and an incentive is created for us to work together to get this right. We support the matter in principle.

**Mr A Maginness:**

Under the 2003 Order, is there a power to enact statutory time limits?

**Assistant Chief Constable G Hamilton:**

Yes, there is. We invite members to consider whether the provisions in the 2003 Order are fit for purpose. If there needs to be enactment by way of regulation through the Assembly, given what we have learned over the past 10 years about this and the knowledge that we now have that we perhaps did not have in 2003, there could be a question mark over whether the 2003 Order is the most appropriate tool for statutory time limits. We are certainly up for that discussion.

**Superintendent A McMullan:**

We tend to focus — this is not a criticism — on agencies in the criminal justice system. We have to remember the defence body and recognise that delay is not always a one-sided issue. Therefore, in whatever we do, we must consider the other side of the house, otherwise you could have one side striving against the other. So we need to consider everything around the requirements on defence.

**The Chairperson:**

Yes. I picked up in the report the effect that changes in the Scottish system had on early guilty pleas there; once the fee system was changed, the number of early guilty pleas dramatically increased at a much earlier stage.

**Assistant Chief Constable G Hamilton:**

There was a 400% increase.

**The Chairperson:**

That speaks volumes. Your point is well made.

I thank you all very much for coming along. Good work has been done. As I said to George yesterday when I was with him, it gives me pleasure when someone asks me to write a letter to the police to thank them for the work that they have done; for example, family liaison officers who have dealt with cases of very serious crime. I have done that on a number of occasions, so I know that there is good work taking place.

**Assistant Chief Constable G Hamilton:**

Thank you for the opportunity, Chair.

**The Chairperson:**

Our next evidence session is with the Public Prosecution Service. I welcome Stephen Burnside, assistant senior director, and Ms Una McClean, senior public prosecutor, to the meeting. Again, this session will be covered by Hansard. We will try, as far as possible, to move this on a little bit quicker than the last session to keep us on track with our timings. I invite Stephen to give us a brief outline, after which we will move on to members' questions. Members who did not get to ask a question last time and who want to speak on this occasion will get first call.

**Mr Stephen Burnside (Public Prosecution Service):**

Good afternoon. I am Stephen Burnside, senior assistant director in the PPS. Among my other responsibilities, I am the project lead in respect of witness care units for the PPS and the victim information portal. The director has appointed me as the victims' champion in the PPS. With me today is Una McClean, who is from our policy section. Una is a senior public prosecutor and is our policy lead on victims and witnesses. We have two other senior public prosecutors in our policy section with relevant responsibility for victims and witnesses in cases involving sexual offences and human trafficking and youth cases.

You have the formal PPS response to the inquiry. I endorsed that document and adopted it as the foundation for my evidence today. The PPS is grateful for the opportunity to give evidence to the Committee in respect of victims and witnesses. As an organisation, we have long been aware of the responsibilities and challenges in relation to victims and witnesses faced by our organisation and the wider criminal justice system.

The PPS has been at the forefront of improving the provision of services to victims and witnesses, particularly over the past five years. For example, the development of the service's dedicated trained community liaison teams as the point of contact in the PPS was a significant improvement in communication between our organisation and victims. Our policies in Northern Ireland on consultation with victims before taking the decision to prosecute and before they give evidence were always ahead of those of, for example, the Crown Prosecution Service (CPS) in England. Until relatively recently, victims and witnesses in England were not permitted to have any contact with the prosecution before they stepped into the witness box. We have developed a policy for the giving of reasons for decisions that is more progressive than those of the Republic of Ireland or Scotland, and we are moving to develop it further. We also offer an automatic review of a no-prosecution decision to all victims.

The PPS is the lead organisation in the criminal justice system in the introduction of and training for special measures. We trained police, the judiciary, our own staff and prosecuting counsel to ensure that special measures became a routine aspect of cases. We continue, as you have heard from George and Andrea, to work with police on special measures training. It has been one of the most significant developments for victims and witnesses in giving evidence in our courts.

Our formal paper gives other examples of our strong commitment to victims and witnesses, and I ask you to consider them. In particular, you will see that all our prosecutors have received training from Victim Support and Support after Murder and Manslaughter (SAMM). The PPS knows and understands the issues in this area. Every prosecutor is aware of victims and witnesses each day. At each sitting of every Magistrates' Court and the Crown Court, cases are listed for contest. Victims and witnesses will be present in each court, and they will be taken through the case by our public prosecutors and staff members. They will have the process explained to them and will be informed of the outcomes and what happens in court.

As a prosecutor, we see every aspect of crime and deal with the consequences of that crime for victims. We deal with victims directly, in consultation and via telephone calls and letters. We know their fears and frustrations. We know about the distress that is caused by the crime, and we recognise the distress that is sometimes caused by the process. Prosecutors empathise with victims; you cannot be a prosecutor, read those cases and talk to those people without understanding what they are going through. Most are driven by a commitment to ensuring the best possible outcome for victims and witnesses. Many victims receive a very positive conclusion to their case. However, there are some for whom the experience of the system is negative and for whom the outcome is not satisfactory. In some cases, it is impossible to meet the expectations for outcomes, for example, in cases in which the evidence is not strong enough for a successful prosecution.

Prosecutors are not unaware of how being a victim affects people's lives. There is a strong desire among prosecutors to ensure that they do all that can be done to make the journey through the system as painless as possible. However, we recognise that an adversarial system of criminal justice creates conflict and challenge for victims and witnesses. The prosecution service also understands how vital it is for the whole criminal justice process to have victims and witnesses as participants. If the witnesses do not come forward or are not able to give evidence, there can be no case and no prosecution.

It has been said that victims and witnesses should be at the core of the criminal justice system. In one sense, we agree, for without the evidence that they provide, there is no system. The evidence, in fact, is at the core of our criminal justice system. Our adversarial system is designed

to prove that someone legally has committed a crime and should be dealt with for that. The system can deal only with legal guilt, not actual guilt. That may be difficult for victims to accept.

The reality is that the criminal justice system is adversarial. Many victims emerge bruised and battered from their engagement with the system. Indeed, their experience, including the case outcome, may adversely affect their perception of how they were treated. The PPS takes that seriously. We must act on those perceptions, but we must place them in the context of other important principles that are vital to a fair system of justice, such as the presumption of innocence and the right to a fair trial.

Devolution has, understandably, led to a strong local pressure to meet the expectations and aspirations of victims. However, the justice process cannot always accommodate all of those expectations and aspirations while continuing to meet the demands and obligations to an accused whose guilt is yet to be determined. While the PPS recognises that it can and must do more, recognising the limitations is more likely to drive the type of change that is sustainable and deliverable over the long term. It must also be recognised that the prosecutor has duties to the court and in law that extend beyond the representation of victims and victims' rights.

I will conclude by referring to the environment of the current criminal justice system. Many of the issues that emerge from conversations with victims and witnesses, such as the lack of communication and explanation, result from the time it takes for the case to move through the system. Like all justice organisations, the PPS seeks to ensure that delay is minimised. However, significant barriers are built into the architecture of the system, and you have heard about some of them from Andrea and George. In this jurisdiction, we retain a cumbersome committal procedure in the transfer of cases to the Crown Court. There is no statutory case-management process, and a reluctance to deal robustly with *[Inaudible]*. The sentencing guidance for early pleas is discretionary, and there is no incentive financially or in sentencing for an accused to address the issues in a case at an early stage, and certainly not before it is listed for trial. Those issues must also be part of the ongoing changes necessary to ensure that victims and witnesses continue to have an improving service within the criminal justice system.

I ask the Committee to recognise the ongoing commitment of the PPS to improving the experiences of victims and witnesses, our commitment to the projects emerging in the near future, such as our victim information portal and the Northern Ireland witness care unit, and our willingness to work with our criminal justice partners and the voluntary sector in the area of victims and witnesses. Thank you for listening. We are happy to take questions.

**The Chairperson:**

Thank you, Mr Burnside. Can you talk me through how you keep victims and their families informed? You touched on the community liaison teams, but when a case is passed from the police to the PPS, how is the victim kept informed of court hearings and given an understanding of what is happening on their day in court? What liaison is there with the victim?

**Mr Burnside:**

At the moment, under our service rights to victims, when the file is received by the PPS, the victims are told what the process is and they are given the number of the community liaison line, which they can ring if they have any queries about the case.

**The Chairperson:**

How are they told? Are they told in writing?

**Mr Burnside:**

They are told in a letter. The information is in a wee box at the top of the letter, which gives the number of the contact line and information on a number of different ways of contacting us. Once a decision to prosecute or not to prosecute is taken, a further letter is sent to inform the person of that decision. Again, if the decision is not to prosecute, they are invited to contact us if they have any questions. If they are unhappy with the decision, they are informed that a review is possible, and a little leaflet about the role of the Public Prosecution Service is sent along with that letter. Also, with all our letters, we send an information leaflet about Victim Support, which victims can contact if they are seeking support in areas in which we are unable to provide support.

**The Chairperson:**

To whom in the PPS do they speak when they ring the contact line?

**Mr Burnside:**

In the PPS, the initial point of contact is the community liaison team, and those teams are based in each of our regional offices. They are trained in how to deal with phone calls and enquiries, and they know to whom and to which area enquiries should be referred. If, for example, they are able to assist in the listing of a case or pass on information on the outcome of a case, they will do that directly. If it is an issue that needs referred to a prosecutor, they will refer the caller to the prosecutor who took the decision.

**The Chairperson:**

When the decision is to proceed with a prosecution, what liaison is there between the prosecution side and the victim and their family? Are they told that there is going to be a court hearing, and are they told about every court hearing? We have heard from families, including the Rankin family. That family went to every court hearing in the murder case. They had to go themselves to find out when there was an adjournment and when the next hearing date was; nobody ever told them. It is only because they went to court themselves that they were ever told anything; the PPS never told them.

**Mr Burnside:**

We do not have a system at the moment for informing every single victim of every single court hearing. Where we are aware of victims who have an interest in attending hearings — many victims do not — we will inform them of hearings. We are introducing our victim information portal, an online information system designed to do exactly that for people who want to be told about every single hearing in a case. However, in many, many cases — obviously, much less serious cases than the one to which you referred — people are not interested in every hearing. They want to know the important listings of a case. Given the number of adjournments in cases, it would be impossible for us to inform individuals by way of a letter as a general policy.

**The Chairperson:**

How do you decide which victim is interested and which victim is not? Is it up to them to come and tell you that they want to be told, or do you proactively ask each victim how they want to be kept informed throughout the process?

**Mr Burnside:**

Currently, we do not do a witness needs assessment. One of the most exciting developments in the witness care units is that a witness needs assessment will be done. There, the names of the people who want to be informed, and the method by which they want to be informed, will be recorded. We will use that information to keep people up to date. At the moment, if a victim contacts us and asks us about cases, we will keep them informed, or they will have spoken to the

police officer and that will be recorded in the summary of the case. If it is indicated that they want to be informed, we will keep them informed during the life of the case.

**The Chairperson:**

The Rankin family said that once they had identified the solicitor, I think, who was pulling all the casework together, the information they got was excellent. Once they had a point of contact, they were able to get that information. However, it was only through their persistence that they were able to find that out. People have come to us to say that, when their case was going through the system and the family wanted to speak to the prosecutor or senior counsel, counsel told them, “That is not my job; don’t ask me.” Obviously, that is a pretty poor experience. Although they then understand that, actually, it is not necessarily senior counsel’s job to tell them that, that experience has already been pretty bad. What are you going to do about that?

**Mr Burnside:**

Senior counsel are independent prosecutors. We have a comprehensive training programme in respect of our brief to counsel, victims and witnesses and our responsibilities. Their responsibilities to victims and witnesses are part of that.

**The Chairperson:**

You say that they are independent. Yes, they are, but they are paid by the taxpayer.

**Mr Burnside:**

They are. That is why we insist that they go through our witness training processes with us.

**The Chairperson:**

So the standards that you expect from them should be higher.

**Mr Burnside:**

We have a set of advocacy standards, which the Bar has agreed to and which include provision of information to victims and witnesses.

**The Chairperson:**

Another point that has come through is that victims feel excluded from the whole smoke-filled atmosphere of the dark room where deals are cooked up. How will that be addressed? How does the PPS address concerns around how the actual charge or sentence is produced when it is not what the victim expected?

**Mr Burnside:**

I can understand that that is the perception of individuals. I think that part of our history is that it was our view that victims and witnesses did not want to be involved with the unwieldy process of coming to court and the various applications and challenges and so on and that, if we provided them with a room that was well furnished and with plenty of coffee, we could come in and tell them what had happened. That was the way in which we viewed what people wanted. It was only recently that we realised that empowering victims and witnesses by making them part of the decision is a vital part of our job. We cannot make any decision to change direction in a case unless we have taken into account the views of the victim or the victim’s family. That is part of our new advocacy standards. We have, in the past, had cases in which that has not happened. There is no question about that. However, it is quite clear for everyone now that, in any case in which there is to be a change — for example, the acceptance of a plea to a lesser charge — the victims must be informed about how that is happening and why that is happening. Their view must be taken and their view must be given weight in considering that decision. Of course, those

are issues of applying the test for prosecution to the case and not issues of deals, which we would not do.

**Mr Eastwood:**

We all agree that we want to have as much public confidence as possible in the criminal justice system. How we treat victims is at the heart of that, and it is essential to get it right. Some of the people who contacted us as part of the review have said that formal and legal recognition of the status of victims would go a long way to help to enshrine their rights and ensure public confidence and the confidence of victims in the system. What do you say to that?

**Mr Burnside:**

We approve of whatever measures are taken to formalise in statute or in a victim's code those rights and processes. We are looking at introducing a prosecutor's pledge to set out standards that we will apply in every case, and that includes our relations with victims and witnesses. We hope to do that before the summer.

**Ms Una McClean (Public Prosecution Service):**

I am sure that you are aware of the code of practice for victims, which was launched by the Minister of Justice last year. It is a good step forward in communicating to victims the minimum standard of rights that they can expect to receive across the agencies. I understand that that is likely to be put on a statutory footing at some stage this year. That will be another step forward. We also have the EU directive on victims' rights, which will be adopted by the UK and the Republic of Ireland, and that will be another step forward in emphasising the importance of victims' rights.

I do not know, necessarily, that the answer to all the negative experiences that we hear from victims is more legislation. People probably need practical advice and support, clear guidance and an empathetic attitude. I am not sure that statute is the answer, but it is good to see that those other steps are embedding victims' rights into our system.

**Mr Eastwood:**

On a slightly separate issue, are you confident that you have all the procedures in place for any interpretation services that may be needed for witnesses and victims whose first language is not English? Some of the people who came to us said that it is not quite there yet.

**Mr Burnside:**

Una, you are the expert in that area.

**Ms McClean:**

I do not know about expert, but we have a contract in place for the provision of interpretation services, and we provide an interpreter free of charge to all victims and witnesses in cases in which we are prosecuting. This week, we surveyed staff and asked for feedback on any negative experiences that they have had with that service. We are quality assuring that as well. In every correspondence that we send out to witnesses — even to those with local names — requiring them to attend court, the front page has a paragraph in, I think, 13 of the most commonly used foreign languages advising them of the contents of the document and the importance of making contact to receive advice about it.

**The Chairperson:**

Stephen, I welcome the fact that you are the victims' champion and that you are at a senior level. When was that post established or has it always been there? When were you appointed to it?



**Mr Burnside:**

It has not always been there formally. You will be aware of the CJINI report that recommended that victims' champions be established at a senior level. The director appointed me as a result of that report.

**The Chairperson:**

When was that?

**Mr Burnside:**

It was after the report was issued last month.

**The Chairperson:**

Who was victims' champion before that?

**Mr Burnside:**

Before that, de facto, I was. Because I am responsible for regional prosecutions, witness care units, the victims' information portal and so on, I was, de facto, the champion.

**The Chairperson:**

Whatever processes are in place in the PPS, you will be filtering them to see how a victim would feel and whether things need to change.

**Mr Burnside:**

Yes.

**The Chairperson:**

Obviously, you will engage with different victims' groups to get that feedback.

**Mr Burnside:**

Yes. I have already issued instructions to our policy section that every new policy development proposal must contain an impact assessment of how it will affect victims and witnesses.

**Mr Dickson:**

Thank you for your presentation. I appreciate that, as you have set out to us in paragraph 1.3 of your submission, sometimes there is a difficulty for the general public and perhaps specifically for the victims or witnesses, in getting their head around and understanding the role of the Public Prosecution Service. The service is not actually their barrister or solicitor; you act on behalf of wider society, which has an interest in bringing that case. That is sometimes a difficult concept to get across to people. I would like to know exactly how much effort you put into getting that across to people — how much time is taken by someone to sit down with a victim or witness to explain that role.

Given recent experience, and there must be lots of other cases; we have heard from various victims' organisations. We have heard about one family, whom the Chair referred to. I understand that we are likely to hear from another, the Devlin family. In both of those recent cases, and presumably in many others, there has been deep dissatisfaction with the role of your organisation. In fact, I venture to suggest that, in respect of the Devlin family, that case showed that your organisation must make substantial change, even in the whole area of the issue that you referred to. There is concern about such cases, where you believe that the evidence was not strong enough to bring about a conviction. Clearly, in that case, there was conflict between

perceptions, as to whether the evidence was strong enough, or whether it was appropriate to proceed regardless of the strength of the evidence.

That is an area that needs to be prised open. It is, perhaps, one of those dark, smoke-filled rooms to which the Chair referred in respect of other matters. It needs to be opened up so that the public can see and have absolute confidence in your doing that job. Again, I appreciate that you are not there to represent the individual, but wider society. However, wider society, by and large, expects you to do what the victim or witness to a crime would generally expect you to do. In my view, at the end of the day, there is not that big a divide between the two.

You referred to new standards. How far are those new standards set, and are they driven by those recent cases, which have clearly caught the public mood and view in respect of the organisation that you represent? We have heard from the PSNI and other organisations, and from the Court Service which, despite the difficulties with its physical estate, has made a lot of strides forward to deal with the concerns of victims and witnesses in the criminal justice system. It seems to me that your organisation is not quite there yet, or maybe not even there at all, and there seems to be a lot more work that you need to do. I welcome your role in all of that.

What external scrutiny of your role is there? It seems, for example, that in the Rankin and Devlin cases, it was up to them, either through Victim Support or directly themselves, to champion their cases. It seems to me that there should be external scrutiny of what you do, given some of the dramatic failures which you have had.

**Mr Burnside:**

I do not accept the proposition that we are not at the forefront of changes for victims and witnesses. From 1999, with the introduction of special measures, it has been the Public Prosecution Service that has fought for victims and witnesses and the change in the approach to them. Through our interactions with other agencies and, in particular, with courts, our organisation went to the Court Service and asked that prosecution victims and witnesses have special rooms set aside outside the normal run of courtrooms, so that they would not have to meet the accused and his or her representatives in the court. We have taken tremendous steps, which have been outlined in our document, in order to ensure that we meet the needs of victims and witnesses.

I will go through the specific questions that you asked. To explain the role of the Public Prosecution Service, a leaflet goes to everyone who receives a letter from us in respect of prosecutorial decisions. It explains what our role is, how we represent the public and not specifically the victims and witnesses, but that we have standards in respect of victims and witnesses.

Take the Rankin family and the Walsh case, which was a very significant case lately; the Public Prosecution Service took the key decisions in that case to get the evidence required to be able to successfully prosecute. We worked very closely with the police in pre-charge advice, prosecutorial advice and about the DNA and phone call evidence that enabled that case to be successful. You only need to look at the frustration of the family in the context that the defendant was allowed to change solicitors five or six times. We have a letter from the Rankin family, and I will read you the last couple of paragraphs of it, in which they refer to my predecessor Raymond Kitson:

“We would like to pass on our gratitude to Raymond and the other members of your team for the significant role they played in getting justice for mammy by helping secure the conviction of Karen Walsh. The long and difficult journey for our family has been made more bearable by the sincerity and diligence of the PPS. We wish you continued success in the work that you do, and know that other families such as ours will receive justice and care from your team in the future.

With our sincere gratitude, the Rankin family.”

Once we understood the pressures and problems the family faced through the delay in the court system, which was not engendered by the prosecution, we were in constant contact with them, explaining the case. That case ended successfully, but there was a point in that case where decisions made about the prosecution could have had a significant impact. Had those decisions turned out to have had a significant negative impact on the case, we would have been criticised for that.

Prosecutorial decisions are not easy: they are not a science and they are not something that can be broken down into formulae. For example, the Devlin case was a very difficult one on a difficult area of joint enterprise. You have seen difficulties in respect of that in the press only yesterday and the new guidance that we, along with the CPS in England, are seeking to give. That case is still in the Court of Appeal. There may be a retrial and there are some very significant legal developments in the course of that case that will affect many other cases.

It is entirely proper for people to disagree with our decisions, but it is up to us as an organisation to explain them. As I said, we have taken significant steps in the past three or four years to explain every decision not to prosecute in serious cases to the victim, without request, and we are seeking to extend that to other non-serious cases. The director himself went to the press and explained the reason for the decisions in the Devlin case and the history of it, and I am more than sure that our new director is totally committed to openness in respect of our decisions and to provide explanations of them when we are challenged.

I am not aware of your having written to our organisation, but I know that colleagues of yours on the Committee have. I have been personally involved in writing detailed explanations to people about prosecutorial decisions that would appear difficult. We are committed to doing that and we will write to public representatives. Our decisions are tested day and daily in the courts by judges and by experienced defence counsel; the validity and basis of them is challenged.

We have the Criminal Justice Inspection. The PPS is currently subject to 15 different inspections, and has to deal with the consequences of and the preparation for those. We are undergoing a fundamental inspection, starting on 6 February, in respect of the quality of our decisions and our corporate governance. We are probably one of the most inspected prosecutorial organisations in the British Isles. If you are working as a prosecutor in Humberside or Cardiff, you would be inspected once every seven years. There is a significant public focus on the work of the PPS in Northern Ireland. We welcome that; it is why we are here and why we speak constantly to the non-statutory organisations. We work very closely with all of them. We have had training by and for Victim Support. We have had SAMM in, and we have also worked with Women’s Aid on domestic violence issues. We are totally committed to ensuring that we take lessons from those organisations and apply them to our work.

**Mr Dickson:**

You said that the reasoning process to decide to prosecute is complex and depends very much on the individual case. Will you talk us through, in general terms, the reasoning behind the decision to prosecute or not? Will you tell how risk averse you are in not prosecuting?

**Mr Burnside:**

The test for prosecution involves two stages. The first stage must be satisfied before you move to the second stage. The first stage is the evidential test, which involves considering whether there is sufficient evidence to sustain a reasonable prospect of a conviction. I guess that that is what

you were referring to when you talked about being risk averse. There is not a figure on how that should be calculated because there cannot be, but our estimation is that if you are more sure than not that there will be a conviction, you will probably prosecute.

**Mr Dickson:**

Do you set that bar higher or lower than your colleagues in other parts of the United Kingdom?

**Mr Burnside:**

The test is the same throughout the British Isles, and the conviction rates are broadly similar across the four jurisdictions. The second part of the test is to consider whether it is in the public interest to prosecute. If you have enough evidence, you make a decision as to whether it is for the benefit of society as a whole, essentially, for that case to be taken. Those are some of the more difficult cases.

**The Chairperson:**

Is there a fear of criticism that prevents you from taking cases that, on balance, perhaps you could have? Is there a reluctance in the organisation?

**Mr Burnside:**

There is always a balance. It is always a judgement of the weight of evidence in a particular case. The assessment is based on the statements and whether you have consulted with the victim or witness. On occasions, you may take into account the views of police or independent counsel. By and large, police officers do not complain that we do not prosecute enough. In any case, it is always a balance. You do not want to put someone through the whole process if you know that there will not be a conviction at the end. It would be wrong to fire every case in which someone made a complaint into the courts.

**Mr Dickson:**

In how many cases do victims or their families engage their own legal advice to check, from their perspective, what you are doing? Do you have statistics for that? Will you give us some reasoning for why people do that?

**Mr Burnside:**

Obviously, in cases in which we are prosecuting, families intend to seek their own legal advice as to whether that is right. That situation would usually arise when someone was seeking to review a no-prosecution decision. It is not a common feature, largely because there is not a level of expertise outside our organisation in respect of making prosecutorial decisions. Of course, where they do that, we enter into a discussion, where we can, with whomever they are speaking to about the relative merits and strengths of the case. I do not have absolutely accurate statistics, but it is pretty uncommon.

**Ms McClean:**

I would like to add two short points to Stephen's answer. On the question of how much time we spend explaining our role, and so on, it is important to note that we provide a programme of training to voluntary sector organisations, such as the Young Witness Service, which waits with young witnesses at courts. It is run by the NSPCC. We train all its volunteers who go through that programme. That is exactly the sort of thing that Stephen has explained. We inform them better about how we make decisions, the type of issues that face us and what our role is in relation to victims and witnesses so that they can assist the victim and witness to understand better what happens at court.

Secondly, there has been a suggestion that we may lag behind other organisations in dealing with victim and witness issues. It is worth pointing out that, in the most recent Northern Ireland victim and witness survey (NIVAWS), victims and witnesses were asked whether they were treated courteously by the PPS lawyer, and 93% responded that they were, which is, I think, the second-highest statistic in the entire report. Therefore, I do not think that it is a matter of not having the right attitude across the board. Obviously, people make legitimate complaints, and we need to look at those. However, across the board, 93% is a high level of satisfaction. It is important to point that out so that public confidence is not damaged by misinformation.

**Mr Dickson:**

I have no doubt that people are treated courteously. It is about the extent to which the process is explained to them and the amount of contact that they have. Courteousness is not an issue. I am quite sure that people are very courteous.

**Ms McClean:**

In preparation for today, I read transcripts of the evidence given by some of the other witnesses. A witness from one of the voluntary sector organisations referred to victims and witnesses being treated discourteously by PPS lawyers and the judiciary. I just wanted to make that point. There are other statistics relating to the provision of information. I have them here, but I will not bore people with the exact figures.

**The Chairperson:**

Are you able to break down the satisfaction levels according to the different categories of crime? Does it vary?

**Ms McClean:**

NIVAWS does not go into that level of detail. As I am sure you are aware, it excludes certain categories of crime, namely the most serious, including sexual offences and those involving young people.

**The Chairperson:**

Murder, for example.

**Ms McClean:**

It is an inappropriate methodology for that type of case.

**The Chairperson:**

That concerns me, particularly in cases of serious crime. If you have read the transcripts of the previous evidence sessions, you will know some of the responses that we got. One woman was told emphatically that the case had nothing to do with her, even though it was her son who had been murdered. Another family of a victim who had died was told, "The victim is dead, and we are prosecuting on behalf of the state." It was very clear to them, in their early engagements with yourselves, that they were a nuisance to the process. The only point that engagement happened was when the PPS wanted to use them to provide evidence to secure the conviction.

**Ms McClean:**

We have made progress in dealing with bereaved families. We listen to the victim's voice. We take on board the feedback that we receive, even in individual cases. We have made some changes in how we deal with cases. For example, in a case of death, we now have an agreement with police that it is the police family liaison officer who will relay the prosecutorial decision to the family representative of the deceased, rather than the family receiving a letter from someone

in the PPS whom they have never met.

We also send an extra letter to families who have been bereaved when a person has been charged. In that letter, we explain the role of the PPS and give them a contact point, because it is likely to be a fairly lengthy process before they get the next stage of information. I am sure that you are familiar with the bereavement guide that was developed in conjunction with SAMM. All our prosecutors and relevant administrative staff have received training from SAMM. We also engaged with Cruse Bereavement Care recently with a view to developing a training package to assist our staff in dealing with people who have been bereaved by crime.

**Mr Burnside:**

Clearly, it is unacceptable for someone to be told, “This case has nothing to do with you.” If such a complaint were made, we would treat it very seriously, as I am sure that you would expect us to.

As soon as the file comes into our organisation, a family who has suffered a death is now offered a face-to-face meeting at their convenience with the regional prosecutor, who is the person in charge of all prosecutions in that area. That meeting is to brief them initially on what happens with the file and the PPS, and to provide a point of contact. We recognise that in cases in which we do that, such as the Walsh case, there is a better outcome for the victim. We seek to replicate that process in other cases involving deaths: murder cases, manslaughter cases and cases of causing death by dangerous driving.

**Mr Dickson:**

I want to pick up very briefly on something that Una said. You said that you asked the police family liaison officer to explain to the family why you are not prosecuting in the event of a bereavement.

**Ms McClean:**

Not quite. Instead of sending out a letter that gives our decision, which could be a prosecution or no prosecution, we contact the police family liaison officer. That officer will either bring the letter to that person’s house or explain the decision to them, rather than the letter just arriving on the doorstep.

**Mr Dickson:**

Do you think that that is an appropriate level of care? I appreciate that a decision to prosecute is probably better handled by a police family liaison officer, but, in cases when the decision is not to prosecute, do you not feel that it would be appropriate for a member of your staff to accompany that police officer? That police officer may not be able to explain the legal nuances of why the decision was made. I am a bit concerned that you are sending letters through the family liaison officers and that you are seem to be taking a step back.

**Ms McClean:**

I understand what you are saying. That was agreed because it is better service for a person who has built up a rapport with a family to deliver what may be bad news — it will certainly be traumatic news — to that family. That is definitely better than receiving a letter from us.

We do not rely on that procedure instead of providing information from our office; rather, we follow that letter up with information from our office, and our letter contains a point of contact for that family if they want to contact us to arrange a meeting. Other correspondence is put on hold, pending that happening. For example, if it is a case of prosecution, the summons that goes to the defendant is put on hold until we are notified by the police that the family have been

notified. That ensures that families hear about decisions before defendants and before they read about it in the paper or hear about it in their local communities. We see that as a step forward.

**Mr Dickson:**

I appreciate that that it is a step forward. Nevertheless, I am somewhat concerned. Surely, you cannot be suggesting that that is the first time that those families would have met someone from your organisation. I am a little concerned that you do not accompany family liaison officers or have someone there, as appropriate. If there had been face-to-face contact between your organisation and the victim or the victim's family, I am concerned that, in cases in which there was a no prosecution and there had been a bereavement or a highly emotive situation such as sexual assault, you do not see fit to send an appropriate member of staff along.

**Ms McClean:**

Victims or their families would not normally have met someone from our office. Therefore, it is appropriate that that news is delivered through a family liaison officer.

**Mr Burnside:**

Where there has been previous contact, we take on that role. It is a question of identifying the best person who has a relationship with the family to provide information that may be traumatic for them. In every serious case, we offer a meeting to explain decisions of no prosecution.

**Mr Dickson:**

Roughly how long does it take from the event to the decision being taken whether to prosecute?

**Mr Burnside:**

It varies enormously depending on the type of case.

**Mr Dickson:**

Would it be weeks or months?

**Ms McClean:**

In summary cases, it is weeks. The average time is weeks.

**Mr Burnside:**

In more serious cases it would be —

**Mr Dickson:**

I am talking about exceptionally serious cases. I am trying to tease out the point that you made that victims or their families would never have met you. I would have thought that, in highly serious cases, they would have met you long before you reached the decision whether to prosecute or not.

**Mr Burnside:**

It depends very much on the case. There can be cases in which there is no evidence that would ever possibly justify a prosecution. We have a streamlined filing arrangement with the police for such cases. They bring the case to us and, as it is an obvious decision, we will take it very quickly. In those cases, that period of time may be very short. In cases that requires a longer period of deliberation, there may or may not be contact with us, depending on the family's wishes. It varies in different cases, and part of the problem with the criminal justice system is that all the cases are not the same. There will be differences in how they are dealt with. When there are such discretionary differences, you will always be open to making a wrong move.

**Mr Dickson:**

Equally, it is important that your processes are nuanced to the victims or witnesses, rather than just being tick-box exercises.

**Mr Burnside:**

Absolutely.

**Ms McClean:**

The development of witness care units would allow further scope for a more individualised and targeted needs assessment. That would highlight what sort of contact is needed and wanted by individuals. Some people do not want contact and should be allowed to opt out. Others want a high level of contact. We do not deny that there is room for improvement, and such assessments would be a step forward.

**Mr Burnside:**

I want to say a few words about witness care units that might be helpful. The witness care units in the CPS in England deal only with cases in the system that are set for trial. That is the only information point that witness care units in England deal with. We have the opportunity in Northern Ireland, in conjunction with the police, as you heard, to extend those units to the concept of a single point of contact. We are working with the police on that. It is because of the Causeway system that we will have the information available to our central unit. We are also working with the Probation Board in order to see whether that can be extended to the end of the process as well, so that there is literally a single point of contact for effective victim and witness needs. That is Northern Ireland taking a step ahead of other areas, partly because we are a small jurisdiction and partly because we have the Causeway system for electronic information exchange, which is very beneficial.

**Ms J McCann:**

I just have one question. As Mr Eastwood said, care and support for the victim has to be central. A recent Criminal Justice Inspection report shows that just over half of reported rapes are sent by police to the PPS for a decision, and, of that number, only 25% proceed to trial. Of those cases that go to court, only 57% result in a conviction. It also states that there is an overall conviction rate of just 7% of reported rapes in the North. Are you concerned about that?

**Mr Burnside:**

Yes. I have given evidence to the previous Justice Committee on that very point. The 7% rate that you quote is an attrition rate. There are a lot of cases that come out of the —

**Mr Wells:**

Sorry, I do not understand what that means.

**Mr Burnside:**

The conviction rate includes those cases where you decide to prosecute and you either get a conviction or the case is dismissed. The figures at that time — it is now slightly higher — were 57%. We would call that the conviction rate: from the point at which you have taken the decision to prosecute. Rape is a very difficult crime to prosecute. It tends to happen in cases where there is no independent evidence. It tends, in very many cases, to be one person's word against the other. In a system where you are required to prove beyond a reasonable doubt that a crime happened, it is difficult to prosecute cases. That is one area in which we will prosecute cases when the standard is perhaps slightly lower than the standard that we were talking about



earlier because we think that people should be given the opportunity to give their evidence and have it tested by a jury.

A lot of the cases that are reported to police either turn out not to be rape but some other offence, or the injured party withdraws their evidence very quickly afterwards, or later on down the line. Very many of the cases that are reported to us are cases where two people have been out in a drinking establishment, one or both may be intoxicated, something happens, and a rape is reported. In our adversarial system, there is simply no way to prosecute cases that fall into that category. We take sexual offence cases very seriously. We have specially trained sexual offence expert prosecutors, both taking decisions to prosecute and prosecuting those cases in court. It is very difficult to get a rape conviction in a jury trial. It is something that we work on all the time. We are happy to be associated with the SARC project. We are working very hard to ensure that the people who are speaking to rape victims at an early stage have in mind not only the treatment of injury or the gathering of evidence, but what is best to allow a prosecution down the line by gathering evidence and ensuring that proper statements are taken. We worked very closely with the police in drawing up a policy in respect of the prosecution of rape offences because it is such a serious issue.

**Ms J McCann:**

I am very concerned about those statistics. You give the reasons why certain cases are not brought to court, so I do not know the ins and outs of it, but very few even proceed to trial. I know a lot of people who feel that their case is strong, but the PPS does not pursue it and says at a very early stage that there is a lack of evidence. A closer look needs to be taken at that and at why that particular type of crime, which, to me, is very serious, has such a low prosecution rate.

**Mr Burnside:**

It undoubtedly does. I am happy to engage with you outside the Committee to discuss those issues. We would also find that useful.

**Mr B McCrea:**

There seems to me to be a sense of complacency from the PPS. I have been involved in a number of cases, and I understand that people generally try to do the best thing and work quite hard. However, the difficulty is in how you get that message out not just to the victim but to the general public. Have you considered whether there is any merit in having some form of ombudsman or oversight committee to review cases so that you could respect the confidentiality of victims or alleged perpetrators and get a second opinion?

**Mr Burnside:**

Obviously, if the Government put in place an ombudsman or, perhaps, extend the Attorney General's powers or whatever, we will fall in with that arrangement. I should point out, however, that in our office, we have significant review, particularly of important decisions, by experienced and senior lawyers. In its first baseline inspection of the PPS, the inspectorate found that a very high percentage of correct decisions had been taken. That inspection was done by Her Majesty's CPS inspectorate from England, and our standard was higher than that in its local CPS reports.

**Mr B McCrea:**

It is more nuanced than that. I am worried about a position in which the PPS adopts a target success rate — let us say a 95% rate for successful prosecutions — because you are, effectively, being judge and jury if the threshold is set that high. I notice that, in your evidence, you state that you adopt a different standard for rape because you think that it is right that people should be allowed to put their evidence to court. Many people in this country believe that it is actually your

right to be tried by a jury and to give your evidence. You are militating against that.

I am not trying to be unhelpful to the organisation. However, I am pointing out to you that, for many people, you are a shadowy organisation that nobody knows very much about. We understand the PSNI, the courts and the judges. However, the PPS is a complete mystery — it is unaccountable and largely unknown. That is the problem in many victims' perception of justice.

**Mr Burnside:**

I absolutely agree with you. We are an organisation that, in the past, was very low profile. We have not gone out into the public domain to explain our role to people. During the past five years, we have attempted to change that. We have a full community outreach programme. I have been particularly involved in Belfast, where I was regional prosecutor, with a large number of community groups to try to get the message across about what our organisation is. However, it is a long, slow process. People do not want to engage with us, because, obviously, if they do, they are in some sort of difficulty.

**Mr B McCrea:**

The PSNI is overseen by the Policing Board, the Police Ombudsman, internal reviews and the media. All that oversight is designed to reassure the public that its work is being done properly, for want of a better word. In paragraph 2.10 of your written evidence, you make the salient point about why it is difficult for you to explain your reasons, particularly in cases where there is no prosecution. You are quite clear when you say that no deals are done as such. However, I am certainly aware of instances — let us say in domestic violence cases, although it could be in any case — where the perpetrator may believe that a higher charge is appropriate, but you, on investigating the evidence, will reduce the charge to the level at which you believe you can secure prosecution. That is not exactly a deal, but it is bringing the bar down from what the victim of the crime feels. You may explain to that person why you are doing it. However, they will be not be expert in the law, and, I assure you, they will not accept that. The Committee has received communication from people whose son, for example, has been killed. They think that it was murder, but the prosecution and, eventually, the courts said that it was manslaughter. The technical difficulties of that are absolutely lost on the family. What I am saying to you is that I think that you should welcome a trusted, confidential, legally informed third party who is able to review your decisions and to whom people wanting to appeal could go and say, "Is this appropriate?". If you have laid your case out properly, you should have no problem with that.

**Mr Burnside:**

We certainly have no issue with putting our decisions in front of anyone. As I say, we explain our decisions. The basis of a prosecution must be the evidence. Irrespective of what individuals may think about the evidence, it has to be about weighing that evidence to meet the requirements of an individual charge. I understand that, for a lawyer, the distinction between murder and manslaughter is almost self-evident, but for laypeople, that is a very difficult concept to grasp. In those circumstances, we try to explain to people why there has to be that view. The law is the law; you have to prove the elements of any offence that you charge beyond reasonable doubt. I am quite sure that if we started prosecuting people for murder where the evidence supported only manslaughter, not only the courts but those people's public representatives would be completely upset.

**Mr B McCrea:**

I can buy in to that argument. However, what I am saying to you is that you may convince the people around this table, but there is a real problem with what the public think. Every week, people come to us and say that justice was not seen to be done, because the perpetrator got off

with it, whether it was rape — Jennifer mentioned the statistics on that — or domestic violence. It is really traumatic for people to report domestic violence and then for the alleged perpetrator to get off with it for whatever reason. That is an issue.

We might understand the legal technicalities behind the charges or why that happened, possibly because there is a presumption of innocence or some other legal position, but you cannot explain it properly. So, surely it would be beneficial to have a third party involved, as we have with the ombudsman. The large majority of what happens in the police is referred to the ombudsman, who investigates cases and comes back with the findings. The office largely finds that things have been done right. Surely something like that would help with the legal situation that you find yourself in and would reassure the public.

**Mr Burnside:**

As I say, having looked at the Criminal Justice Inspection report of our decision-making and at the many internal reviews that have been done, we would welcome the appointment of an ombudsman or an extension of the powers of the Attorney General or whatever. Other people check our decisions. As I say, the judges do so day and daily. The defence challenges what we say. Defence solicitors write in very frequently about our decisions, mostly to say that the charges are too high and should be reduced. We have a lot of media interest in our decisions, and a lot of public representatives are also interested in them. As I say, we would welcome those suggestions, so you do not have anything to fear on that.

**Mr B McCrea:**

I welcome your statement that you would welcome an ombudsman-type approach. Finally, although the CJINI may look at things, it does so in generality. However, individual victims of crime are worried about the injustice or difficulties in their circumstances. That is the area that they want somebody to look at, just to make sure that things are being done right. I think that it is the jam in the middle of the doughnut that is not being addressed. The courts and the judicial system are open to public scrutiny, as is the PSNI. The PPS needs some independent method of reassuring people that the majority of cases are taken appropriately and in the right way. I am absolutely certain that that is the case. There are legal constraints around what you can say, so we need to find a better way of dealing with it.

**Mr A Maginness:**

I welcome your contributions, Mr Burnside. The PPS has done a lot of good work over the past number of years to try to accommodate witnesses and victims in particular. That is to be commended, and further work needs to be done.

We in this Committee have to be certain in making the distinction between victims and witnesses. Sometimes we conflate both, which I think is wrong. We should be making that distinction. Probably, at first instance, a prosecutor's natural reaction is to accommodate the witness, because the witness is essential in the process of trying a person and getting them convicted. Perhaps the secondary focus is on the victim themselves. The PPS has now advanced the interests of victims. However, as a health warning to the subject, the Public Prosecution Service represents the state and the community at large. It does not represent victims. Now that we are focusing a lot on victims, to some extent there is a danger that we will start to conflate the interests of the state or the community at large with the interests of victims. There is a tension and a danger therein. Are you aware of that? How would you address that?

**Mr Burnside:**

I think that there is a conflict in the very prosecution process between supporting the rule of law,

ensuring that the defendant gets a fair trial and is properly represented to make his case, what victims expect or aspire to in the system, and, perhaps, the sentence that they think an individual should get. I think that it is a difficult area, but, with the safeguards that exist for the courts to protect individuals and the developments that we have made in our victims policies and so on, matters can be held in balance. However, it is, without doubt, in tension. Victims may be accused on some other occasion. I think that it is important to realise that the proper process of a fair trial — the presumption of innocence and so on — is a protection for all of us, as well as protection even for the victims. Sometimes it is very hard for a victim or a witness to see that as being important in their case, in which they are obviously very personally involved.

**Mr A Maginness:**

Thank you very much.

**The Chairperson:**

Surely the needs of the overall community and the needs of the victim are not exclusive. Although some of what you are saying now tells me that there is maybe going to be a change, it seems to me that, in the past, it has been exclusively about the needs of the community, and the victim has always been second to that. You could say the same for the police; it is their need to protect the community in general. However, to me, there is a difference between how the police address this and how the PPS is looking at it. The two surely do not exclude each other. It is marrying the two together that needs to happen.

**Mr Burnside:**

Yes, absolutely. As I said, I think that the two can be in balance. We have to ensure that we do not sway too much one way or the other. Part of a prosecutor's job in assessing a case is to test the strength of the evidence. That may be testing the strength of your witness, and, usually, the victim is a witness as well. That, undoubtedly, leads to a difficult balance for us as prosecutors.

**The Chairperson:**

To finish this session, could you tell me how you envisage the co-ordination between the police and the PPS on the victims and witnesses care unit? The unit is a one-stop shop facility on which you are co-ordinating with the PSNI and other agencies. How will you ensure a consistency of approach in that unit?

**Mr Burnside:**

As I indicated, one of the benefits of the Northern Ireland situation is that we have the Causeway system, and we in the police and the PPS already have access to all the various information systems where the relevant information is held. So, someone who is a witness care officer will have immediate electronic access to what is happening in the case, the stage it is at, the last court date and the last result. Andrea said it best: as long as you empower that witness care officer to challenge a police officer, a prosecutor or a member of the Courts and Tribunal Service about obtaining information, you will be able to provide a proper service to the witness or the victim.

One of the most significant changes will be the plan for a proper witness-needs analysis for every victim who comes into the process. That will ensure that the information is supplied as and when they want it to be by the method that they want, and it will allow them an individual point of contact that they know will help them if something goes wrong.

**The Chairperson:**

What type of empowerment will that officer need to compel the PPS, the police and the courts to make sure that they get that information?

**Mr Burnside:**

Buy-in from the senior management of those organisations will be required to ensure that the victim-first approach is adopted. That means that, if you are asked a question that will supply information to a victim, you answer it and do so before you do something else that you are currently working on.

**The Chairperson:**

I thank you all very much for coming along today; it is much appreciated. The session was a bit longer than we thought it would be.

**Mr Burnside:**

Thank you. I am disappointed that we did not hear the end of Basil's story.

**The Chairperson:**

We will get it another time, Mr McCrea.

**Mr B McCrea:**

I can just —

**The Chairperson:**

No, thank you. *[Laughter.]* We will move on. Thank you very much, folks.

The next briefing is from the Department of Justice. I welcome Maura Campbell, the deputy director of criminal justice development, Declan McGeown, the deputy director of the community safety unit, Peter Luney, the head of court operations in the Northern Ireland Courts and Tribunals Service, and Marcella McKnight, the chief executive of the Compensation Agency. I thank you all for coming along to today's session. Like all the other evidence sessions, this one will be covered by Hansard. I invite you to give a briefing, after which we will have questions from members.

**Ms Maura Campbell (Department of Justice):**

Thank you very much, Chairman. Given the hour and that this is our second appearance in the inquiry, I will try to be brief in my opening remarks.

We appeared at the evidence session that you held at the start of the inquiry on 10 November 2011. At that point, I set out the work that the Department had been doing to develop a new victim and witness strategy, outlining the main themes that we were developing and the outcomes that we were seeking to achieve. I do not propose to go over all those again, but I would like to talk briefly about the couple of points that we covered in the further paper that was submitted for today's meeting.

The first point is about the scope of our new strategy. We have been observing the Committee proceedings since last November and have noted that the inquiry has been looking at a broader range of themes than we had been considering for our strategy and has, therefore, gone beyond the themes that I outlined at the session in November. So, it is helpful that you invited our colleagues Marcella and Peter from the Compensation Agency and the Northern Ireland Courts and Tribunals Service colleagues to attend. Peter is the Courts and Tribunals Service's victims' champion. They will be happy to take questions on any issues that fall within those areas of responsibility. We also thought that it might be helpful to have Declan McGeown here from the community safety unit, since some of the issues that you have been discussing and hearing about

are very relevant to the work that the Department is taking forward through the new community safety strategy. That includes work on sexual and domestic violence, hate crime and the safety of older people. Declan is happy to field any questions on those specific areas of work. Obviously, when we receive your report, the Department will have to look at the best way of delivering any actions that follow from it. We will need to provide advice to the Minister on the extent to which the delivery mechanism should be in the new victims and witnesses strategy or whether that should be supplemented by other means. For instance, some of that work will more probably fall to the community safety strategy.

We also have a separate programme of work on speeding up justice. We are open to either delaying forming a strand of a new victims and witnesses strategy, or it may need to remain a separate strand of work, because it is quite a substantial piece of work that we have under way. Also, the issues on compensation could be a part of our new strategy, or, given that we are minded to have a review of the way in which the Compensation Agency delivers its objectives, that may be the way in which some issues are picked up, or it could be a combination of both. Until we see the report, I think that we will keep an open mind, but I just thought that I should flag up the issue now.

The second point that we raised in the paper is to do with the types of actions that we have been considering. At the previous evidence session, I was keen not to pre-empt the outcome of the CJINI thematic inspection report on the current treatment of victims and witnesses of crime. However, since that has now been published, we have attached a list at annex C that encompasses the cross-cutting recommendations that we accepted from that report, as well as other ideas that have come forward through the work of the Victim Witness Steering Group. It is quite a lengthy list, so I do not propose to go through it in detail. However, we are open to considering other ideas that might arise during your inquiry or to giving you some further detail on any of those ideas. We are also keen to get from the Committee a sense of what it thinks the priorities for action should be over the next five years.

One of the key messages that has been coming through to us in the inquiry is that, as well as looking at new initiatives, we need to ensure that what we have in place already operates as well as it should. We have been struck by the fact that some of the suggestions that have been coming forward have been quite simple things, such as doing people the courtesy of saying, "Thank you" at the end of the process.

Given the time, I do not propose to go into further detail on the paper. However, I will say in closing that the inquiry is demonstrating that there is no shortage of work to be done. It confirms the need for a new strategy, and we look forward to working with you to ensure that we identify what the priority action should be and that we create a shared focus across the justice system to deliver on it.

We are happy to take questions.

**The Chairperson:**

Thank you very much. That was useful, because I know that the inquiry is going beyond what was envisaged in the strategy. It is good to hear that the Department plans to adjust to accommodate where we go. I am happy for members to ask questions and to hear from the Courts and Tribunals Service and the Compensation Agency. Declan, if there are areas to which you want to contribute, feel free.

Some of the feedback that we have been getting on the Compensation Agency is that some

people have been seeking compensation for criminal injuries through the compensation scheme of 2009 but are unable to recover the costs of their legal advice and the representation that was provided to assist them in bringing their claim for compensation. Do you know how that will be addressed? Will those costs, which are currently unmet, be met?

**Ms Marcella McKnight (Compensation Agency):**

The current tariff scheme does not pay for legal costs, and we make that very clear from the outset in all our communications with victims. Instead, we steer them towards Victim Support Northern Ireland (VSNI). That may be picked up in the review that the Department is minded to carry out. However, terms of reference for the review have not yet been set.

I very much welcome the Committee's input into that, and I think that the Department is taking a lead on it. It is meeting with the Minister very shortly, and I think that it is also minded to consult with the Committee on the terms of reference. At the minute, I am bound by the existing schemes, which do not provide for payment of legal expenses.

**The Chairperson:**

When do you think that will be reviewed?

**Ms McKnight:**

We just recently talked about that review, so its terms of reference and timescale still have to be worked through.

**The Chairperson:**

Will the Department work on the terms of reference?

**Ms McKnight:**

Yes, that is right.

**The Chairperson:**

How quickly are you turning around compensation claims for people who are deemed eligible?

**Ms McKnight:**

We try to turn claims around as quickly as we can while investigating the claim as thoroughly as we can, because we have a duty to make sure that public money is spent correctly. On average, it takes around a year from the time that we get an application through the door to when we make a first decision. That is because, when we get an application from a claimant, our first port of call is to try to substantiate the information that they have given us. So, we go to the police to ensure that the person is eligible to claim and that the criteria that the scheme sets out on reporting to the police and co-operating with them have all been met. When we get that back from the PSNI, we can usually begin to look at eligibility, and, if the person is eligible under the scheme, we look to pick up with the medics and start to look at the medical evidence to try to assign a tariff. Quite frequently, we find that people are still receiving some medical treatment. You will know that our tariff levels are very much weighted towards the severity and the prognosis of the injury, so we may need to wait or to gather more medical information before we can sign off a claim against a particular tariff level.

**The Chairperson:**

I did not quite catch how long it takes on average.

**Ms McKnight:**

On average, it is about a year from the time that the person sends in the claim to when we make a first decision. In the event that the claimant does not agree with our decision, they can ask for it to be reviewed, which happens in an internal process in the agency. If they are still unhappy with the outcome, they can take it to the independent body, which is the appeals panel.

**The Chairperson:**

What do you think the timescale for that should be? Is a year acceptable, or could it be improved?

**Ms McKnight:**

We are very much trying to improve the timescales. In fact, over the past year, we have been working hard with Andrea McMullan and colleagues in PSNI to try to speed up the process of the PSNI giving us the documentation that we require so that we can look at the eligibility issues. At the minute, we request the information, and the PSNI provides us with hard copies of the police reports, the witness statements and everything that it has gathered. Instead, we are trying to use the Causeway infrastructure so that that information is sent to us electronically and can be fed automatically into our system. That will cut down on a huge amount of the administration involved in photocopying and processing papers. Once we get that up and running, which we are hoping to do so in the next financial year, we will look to the medical information. We have already started to discuss with health trusts whether we can receive their information electronically. When we ask for GP notes and records, it puts a huge administrative burden on GP surgeries, so, if we can work with them to get that information electronically, that will save us a lot of time and a lot of admin effort both in the agency and the organisations that we are requesting the information from.

**The Chairperson:**

Some members have indicated already that they wish to ask questions, but I want to pick up on a couple of the other aspects before we deal with the Compensation Agency. There have been discussions about how the Department can get a victim-centred approach to the different agencies that operate and about making sure that there will be a consistent approach. Does the Department see itself having a role in holding those organisations to account for meeting the expectations? If a victims' charter were put in place, would the Department see its role as being to hold agencies to account for how they meet that?

**Ms M Campbell:**

I would not say that it is holding to account, but I think that we have a role in bringing the agencies together to ensure that there is an agreed agenda for the programme of work that we need to take forward. We also need to make sure that we have the information necessary to ensure that what we are doing is working. We have to keep the code of practice that we published last year up to date, and we have to try to monitor performance against that and draw to agencies' attention any issues that come through in that monitoring and evaluation. As Una said, we aim to put that on a statutory footing to give it more weight.

To be honest, I do not get the sense that there is a lack of commitment across the agency. Our role is more about co-ordination and facilitation than accountability in the strictest sense.

**The Chairperson:**

The Committee has been to the court in Londonderry, and today we were in the courthouse in Lisburn. We have seen that there is a pretty stark contrast between the quality of the two buildings. The theme that is consistently coming up is that the facilities that are available to



victims and witnesses are poor. On a number of occasions, they have met the defendant in the same room or they have had to walk past them. That is very uncomfortable for the victims. How does the Court Service see its role in trying to change that to facilitate victims' and witnesses' needs?

**Mr Peter Luney (Northern Ireland Courts and Tribunals Service):**

We have taken a number of steps to try to address that, but we recognise that there are a lot of constraints on what we can do within the courts estate as a whole. Some of that estate is of a considerable age, and some of it is small and offers very little accommodation. You saw in Lisburn today that we have dedicated rooms for victims and witnesses, and those are helpfully staffed through our partnership with Victim Support and the NSPCC. Although that facility is not uncommon, in a lot of cases, you have to come in through the public foyer to get to those areas. So, there is always the risk of running into defendants. Where possible, where the building allows it and where the witness wants to, we can certainly try to accommodate their coming in another way. However, we are limited in where we can do that.

Other initiatives could address some of those concerns. When you visited Londonderry, you saw the remote television link facility that can be used in the gathering of evidence. That has been a successful initiative, as it allows the witness to give evidence from a completely remote location. We have a similar facility in Belfast, although it is not entirely remote, as witnesses who are giving evidence by live link are in the old town hall building. That is still a court building, but it is well away from where the trial is taking place. I think that the evaluation report helpfully acknowledges that there are pros and cons to that service, but I also think that the Department will certainly want to look at whether the benefits of that can be built on.

Where possible, we continue to strive to try to improve the facilities that we have available for victims and witnesses. Again using Lisburn as an example, given that we were in the courthouse today, we put an extension on to the building to provide extra consultation rooms. That is where the victims and witness room came from. However, it is not possible to do that at all locations. We are working within the constraints, including financial, that we have. As you know, the capital budgets for a lot of public sector departments have been dramatically cut, and we are no exception. We just do not have the capital available for that kind of development.

**The Chairperson:**

What sort of capital investment would you need to bring the estate up to the standard where you would feel that those needs were being met?

**Mr Luney:**

It would depend. If we considered improving the existing buildings, a considerable amount of capital could probably be spent in trying to develop what we have. However, we would again be working within physical constraints and trying to shift interior walls to create an extra room. We also know that some of the court buildings, such as those in Derry, are working at a pretty high utilisation rate. The capacity in those buildings means that taking on more work is difficult, but, given their layout, you would almost certainly be looking at the possibility of a newbuild, as trying to renovate what is there could be difficult. You could probably spend a significant amount. We have an aspirational estates strategy, but we are realistic enough to know that, at the moment, that is not feasible.

**The Chairperson:**

OK. We may come back to you to get a more definitive figure for what you are after to enable you to meet your estates strategy. That would be useful for the Committee.

**Mr Dickson:**

I will be brief. I thank Maura for acknowledging that this debate has widened the victims and witnesses issue. Will you tease out the view that we probably need to move from having this just as a new strategy to putting it into some form of statutory code that sets out key entitlements for victims and witnesses? That may be a way of cross-referencing this across the range of the justice system, be that from a victim's right of access to a court separate to others, if required, to how they interact with the Public Prosecution Service and all the other things that we have dealt with. Perhaps the best way forward, which I am not suggesting as a solution, may be to point towards some form of statutory code that would give the Department and other agencies the appropriate mechanism to make these things happen.

**Ms M Campbell:**

As I mentioned, we created a code of practice last year. It was published in March, and the intention is to place it on a statutory footing in the next Justice Bill. We do not propose to put all the detailed provisions of the code in statute, because to do so would create a ceiling rather than a floor.

**Mr Dickson:**

I think that it is the floor that you want to establish.

**Ms M Campbell:**

You want to establish a floor — a baseline — and build on that. For instance, a month after we published the code, the police launched their policing commitments. Therefore, we were out of date within a month. So, that code will have to be continually refreshed and updated, but putting it on a statutory footing will give it more force. We also need to take account of the European Union directive, which Una mentioned, that will establish minimum standards on the rights of, support for and protection of victims of crime. Once we have the final version of that directive, the expectation is that member states will enshrine it in domestic legislation.

**Mr A Maginness:**

Thank you for all your contributions. At our meeting in Derry, I expressed my dissatisfaction with the present compensation scheme for victims of crime. I reiterate that: I think that the very basis of the scheme is wrong, because it is so restrictive and very unfair to victims. For example, their special losses, such as a loss in wages, are not fully compensable.

I will leave that and move to the issue of certain victims who use lawyers to make representations being charged excessive amounts for those solicitors' services. I do not believe that the Law Society is taking sufficient action on that. I wonder whether the Compensation Agency could lay down some sort of guidelines on legal representation. I know that there is no entitlement to legal representation; however, surely the Compensation Agency, together with the Law Society, guidelines should lay down guidelines. If people breach those guidelines, the Law Society could take action against those solicitors. It seems to me that excessive amounts are being levied in a small number of cases and that some action should be taken.

**Ms McKnight:**

Yes. As you say, the scheme does not include the agency reimbursing legal expenses. We do so in minor claims cases, so I have some experience of what you are talking about. In such circumstances, we try to use the 1988 scale rates as our guide. I am the trustee of those young people's compensation trusts, and I have some pressure coming from legal people to say that that is not sufficient. I hear what you say; we will take it on board and see what we can do. However,

I would look to the Department, because all that I can do is administer the schemes as they currently exist. We know that it is the case that some legal people's fees are very high.

**Ms M Campbell:**

Victim Support provides a free service to victims that helps them to navigate their way through the compensation process. We are trying to increase people's awareness of that service. In some cases, they will take the legal route without realising that that service is there, so we want to ensure that they avail themselves of that as fully as possible.

**Mr A Maginness:**

I think that that should be made more public, and it is certainly a useful service.

In the next year or so, the County Court jurisdiction will rise to, I think, £30,000. What additional pressure will that put on the facilities in the courts throughout Northern Ireland? If there is a rise in the jurisdiction, there will obviously be a rise in the number of claimants using the County Court. The County Court is accommodated in Crown Court buildings right across Northern Ireland.

**Mr Luney:**

We have looked at that, and we will continue to monitor it. Obviously, there will be an impact on workload. We want to monitor the size of the court lists. If they were increasing, we would want to see whether we needed to take action, such as having more sittings to spread out the work. We are aware of the issue, and we need to keep it under review.

**The Chairperson:**

No one else has indicated that they wish to ask a question; you are getting off very lightly today. I am sure that we will come back to you if we need to. Thank you very much.

Last, but by no means least, is the Probation Board for Northern Ireland (PBNI). I welcome to the meeting Paul Doran, the deputy director, Roisin Muldoon, the assistant director, and Rita O'Hare, the area manager of the victims' information unit. This session, like all the others, will be recorded by Hansard. Please briefly outline your submission, after which members will have some questions. I will hand over to you, Paul.

**Mr Paul Doran (Probation Board for Northern Ireland):**

Thank you, Chair. My presentation will be brief, and Rita and Roisin will then join me in answering any questions.

We believe that the victims' perspective is central to our work with offenders. All our programmes and interventions challenge offenders to understand the impact that their offence has had on the victim. Our statutory victim information scheme, which was established under the Criminal Justice (Northern Ireland) Order 2005, provides information to victims about what it means when someone is sentenced to an order or licence that is supervised by PBNI.

As well as providing that information, we listen to victims' concerns. That informs our work with the offender. To date, approximately 800 victims have joined the scheme. Of the people who have done so, 60% have provided feedback. That has been very positive: 98% were very satisfied or satisfied with the contact. We have also undertaken a number of victim offender pilots throughout Northern Ireland in conjunction with community partners, Northern Ireland Alternatives and Community Restorative Justice Ireland. We are committed to the use of restorative interventions, which range from indirect mediation to victim/offender restorative

meetings. In the right circumstances, there is a real benefit to victims of crime being able to make clear to the offender the impact that the crime has had on their lives. Following the successful completion of those pilots, we have continued victim/offender work and have supported partnerships through our community development grants. We would like to build greater resource capacity to deliver restorative approaches across the whole of Northern Ireland, and we would also like to begin to develop approaches in adult conferencing.

Last week, I mentioned to members our community service strategy. We revised that in 2010 and introduced an opportunity for the victims of crime to influence the work of community service. Following a procurement exercise, we also carried out staff training and appointed alternatives to help to raise awareness in victim/offender work through the provision of training for relevant staff.

The unit of ours that works with victims also prepares reports for parole commissioners in live sentence cases. That enables the victim's family to have their say about any concerns that they may have regarding the prisoner's release under our supervision. Although we have completed only a small number of those assessments to date, feedback has been very positive both from victims' families and, indeed, the parole commissioners. We are seeking further resources to extend the scheme.

I will deal now with our issues and concerns. The most common concern that we hear from victims who are registered with our scheme is the lack of timely information about their particular case. The evidence that I have heard today certainly bears that out. We also hear about the lack of ongoing contact throughout the duration of the case and about confusion as to the information that the victims are entitled to receive at each stage of the process. We believe that a singular interface for victims is the most effective means of providing accurate and timely information about the system. We note the recommendations from the Criminal Justice Inspection's report about amalgamating the Prison Service scheme, the Probation Board scheme and the DOJ scheme. We warmly welcome that, and we have already commenced work on it. I also noted Stephen's comments and confirm that we hope to work with the Public Prosecution Service so that some form of one-stop shop is available to victims.

We recognise the views that have been expressed today about the difficulties of the court process. Our view is that victims should have the opportunity to have their voices heard at key stages of the criminal justice process: at prosecution; sentencing; on an offender's release from custody; and when release from custody is being considered for an offender, subject to licence. Some practical ways to achieve that may include the provision of victim impact statements or victim reports at the prosecution or sentencing stage; opportunities to contribute to the agreement of licence conditions that are set prior to release from custody; or contributing to multi-agency public protection arrangements. At present, the arrangements are on an opt-in basis, whereby a victim must opt in to receive information about a sentence. We believe that the service to victims would be improved if that happened on an opt-out basis, so the expectation would be that victims would receive the information unless they indicated otherwise. At present, victim information for the Probation Board is received via the PSNI; under legislation, we are unable to get direct contact. That adds unnecessary delay and burdens staff with ensuring that victims have access to information. The system is slightly unwieldy, and it means that we are unable to ensure timely and accurate notification to victims.

PBNI recognises that each victim will have individual needs. Therefore, information schemes should have more discretion about the type and level of information that is provided to victims. For example, we are not currently able to disclose the actual date of release from custody to a

victim, nor the area where an offender lives.

In conclusion, at the core of all the work that we undertake is the idea that probation is about reducing the risk of people's becoming victims of crime. Everything that we do is about preventing people's becoming victims of crime and re-victimisation. We believe that, by providing victims of crime with information about the requirements of an offender's court sentence, as well as giving them the opportunity to inform decision-makers at key points in the system, we can reduce the impact of crime on individual victims and decrease the likelihood of further offending by explaining to offenders the impact of their behaviour on others.

**The Chairperson:**

Thank you very much, Paul. Some of the feedback that we got from victims' groups shows that victims are concerned not only about themselves but about whether the individual who may have assaulted them, for example, has been rehabilitated and is, therefore, less likely to do that to anybody else. Have you thought about providing information to victims not only to advise them and give them input into an offender's sentence and where they will be housed but to let them know the actual outcome of work that an offender has done while on probation and to indicate that that individual has demonstrated reform of their character and that they are less likely to re-offend?

**Mr Doran:**

I think that we would be keen to do that, but there is no legislative mechanism for that at the moment.

**Ms Rita O'Hare (Probation Board for Northern Ireland):**

Occasionally, there are opportunities under the restorative justice method to explain or share that information. That can be done, particularly if an offender is keen that the information be shared. If a victim requests it, we can begin some kind of restorative work with the offender. So, there are opportunities.

There is no provision in the legislation for victims to have a right to that information. One of the positives for us is that we have a legislative scheme, but, equally and as someone indicated earlier, legislation is not always the answer. Legislation can be used only for a few years before the gaps are identified, and, as you know, it takes a considerable time to change and amend legislation.

**The Chairperson:**

Thank you for that. I am interested in the thought process behind the scheme's being on the basis of opting out rather than opting in. Will you elaborate a little more on that? Victims have opted in to the scheme, and, when offenders' sentences were coming to an end and they were due to come home, those victims were able to make impact assessments about where those offenders should be housed when they were released. How beneficial do you feel it has been for victims' to be able to feed into your organisation to say why they think Joe Bloggs should not be brought back home? As to those who opt out of the scheme, do you find that, after an offender has been sentenced, some victims have moved on and do not want to be contacted ever again and reminded of what happened or to know what happens? What sort of information tells you that victims want to continue to know when offenders will be released on parole or when they will complete their sentences and come out of prison? Will you touch on those points?

**Mr Doran:**

I will start off, and I will then ask Roisin and Rita to come in. I know that Rita has some figures,

and Roisin can talk to you about the prison scheme.

One of the added benefits of our scheme is that every victim who opts in is offered a face-to-face appointment with a probation officer who is a qualified social worker. That is a bit of added value that we bring, and the feedback that we have received from victims shows that they appreciate it. It is a very difficult process. We act as a broker to ensure that victims are aware of the services that are available from organisations such as Victim Support, Women's Aid or whoever else. Equally, we work closely with the Northern Ireland Prison Service on those offenders who come out of custody. I will ask Roisin to deal with the issue of accommodation, which you asked about.

**Ms Roisin Muldoon (Probation Board for Northern Ireland):**

We have a number of approved hostels across Northern Ireland to which we can refer clients at the point of discharge from custody. Their being in that accommodation allows for greater monitoring, surveillance and so forth. It also gives us an opportunity to test with our colleagues in those hostels individuals during the initial period of their liberty and, indeed, during periods of temporary release prior to their actual discharge.

**Mr Doran:**

Rita has some figures on those victims who either opt in or opt out of our scheme.

**Ms O'Hare:**

Victims have to register with us before they can be provided with any information, and we have to mediate our services through the PSNI. The PSNI sends a copy of our leaflet to every victim in cases where we are involved in the supervision of a sentence. The figures show that there is a 9% take-up on those leaflets, but we knew that before the scheme came into operation. Generally, research shows that there is only a 7% take-up of any scheme that is advertised by leaflet. We are keen for the Committee to look at that so that some way can be found of making sure that the scheme is done on an opt-out rather than on an opt-in basis. From where we sit, we are legislatively bound, and we cannot get out of it.

Those figures are very concerning, because not a high enough percentage of victims is registering. We do our best to ask other agencies in the voluntary sector, which are involved much earlier in the process, to highlight our services and to make victims aware of what can happen post-court. We need to keep going back to our partners in the sectors to tell them that. We would also like to do that with the witness care units. However, they will generally be used only in contest cases, so a whole number of other cases need to be considered. It is very important, and victims can contribute. There was a recent case — I do not want to give a whole lot of detail about it — where there may have been a risk that the offender would visit the victim on release. The victim's concerns were looked at, and the victim provided other information. When that was fed back to the supervising probation officer and re-looked at, the offender's risk level was reviewed and raised. That is a very practical example. So, such a provision protects the victim, protects the community, and, hopefully, does something about the offender's behaviour.

It is very concerning that we have a low level of victim registration. We really want to get that figure up, because the feedback shows that when you do that and do it properly, victims gain from it.

**The Chairperson:**

Of those victims who are opting in, what is their profile?

**Mr Doran:**

Do you mean the offences profile?

**The Chairperson:**

Yes.

**Ms O'Hare:**

A very high percentage — 79% — involve serious sexual and violent offences. That includes sexual abuse of any kind, manslaughter, death by dangerous driving, murder and robbery.

**The Chairperson:**

So, if you are talking about opting out, would you have to opt out on those serious crimes or opt in on everything?

**Mr Doran:**

Unless they decide themselves, our view is that all victims should be given the opportunity to opt out. It is about giving some more power back to the victim. Very often, in those situations, victims feel very powerless, and obviously some of the evidence you have heard reflects that. Sometimes victims do not want to take a positive step, because there may be all sorts of reactions to the offence. From training with our staff and from feedback from victims and victims' organisations, we know that people are not always in a position to consider all the facts in a rational way if it is still very close to the court process. If it is an opt out, in which a victim has to say they do not want to receive the information, we would respect that decision. However, at the moment, the opt in take-up rates of 9% are low.

**Mr A Maginness:**

On that point, what is the position in Britain? Is there an opt-in or opt-out provision?

**Ms O'Hare:**

It is a different system altogether, Mr Maginness. The legislation is different. The victim support and victim liaison from the Probation Service begins at the pre-sentence report stage. It is very different. Looking at it, I think that the system there is set up for much better access to victims than we are. However, it is a very different legislative framework and system.

**Mr A Maginness:**

It comes at a later stage, but there is more take-up and more access to victims.

**Ms O'Hare:**

There is certainly more access.

**Mr A Maginness:**

Thank you, Chair; I am sorry for interrupting.

**Mr B McCrea:**

Just for clarity, does that happen at an earlier or a later stage?

**Ms O'Hare:**

At an earlier stage.

**Mr S Anderson:**

Just to go back to the parole situation and to victims who opt in or opt out, for those victims who wish to engage, you say that you do the reports for the parole situations. How much weight or input do victims have? How much would you be swayed by that input in deciding whether to release a prisoner on parole? Would that input weigh heavily in the decision that is made?

**Mr Doran:**

That is a good question, Mr Anderson. To date, we have completed only 17 reports on life sentence cases for the parole commissioners, because that opportunity arose only in the past couple of years. We can report on a tightly defined set of circumstances. Given that the reports are mostly on murder cases, the attitudes and concerns of the deceased's family are considered. We have had a lot of discussion with the parole commissioners, because they have access to all the cases and all the papers, notes and records from the original trial, including any victim impact statement that might have been provided at that time. The parole commissioners were obviously very concerned that, given that the prisoner — they are all prisoners — has the right to be legally represented, their representative could suggest that this was a double jeopardy: they are being sentenced again for the original offence when the tariff was set. From the victims who have agreed to provide those attitudes and concerns, we have found a very high satisfaction rate within the context that, clearly, they have lost a family member and are very unhappy generally, and understandably, about the process. Equally, the parole commissioners expressed some concerns at the outset about what the reports would look like, but now they have said that they find them very useful. It is hard to say how much sway there is. However, we strongly made the case that we feel that they should consider the attitudes and concerns of victims before any decision is made about a release.

**Mr S Anderson:**

When a decision has been made and you have submitted your report, do you get any feedback from the parole commissioners as to how that report was viewed? Do you get any feedback or do you just submit your report, it sits there and they make their decision? Do you get any feedback to indicate how your reports are viewed and whether they are taken seriously?

**Mr Doran:**

Yes, we do.

**Ms Muldoon:**

The reports are prepared at the three-year pre-tariff stage in respect of life sentence prisoners and are considered along with all the other documentation in the dossier. The parole commissioners give us feedback on all the reports. They will also have an opportunity to comment on particular issues that the individual needs to address prior to being considered for release subject to licence. That gives us an opportunity to take on board that feedback and to undertake specific pieces of work.

**Mr Doran:**

They provide a written report of their decision, which is very useful in helping to guide ourselves, the Prison Service, the police and so on.

**Mr S Anderson:**

Do you have to do a report each time a prisoner released on parole breaches parole conditions? Would you speak to the victims or families concerned to get their views on the breach? Would the circumstances change?



**Mr Doran:**

Under the Criminal Justice (Northern Ireland) Order 2008, for public protection sentences, there is scope for the Probation Board to provide a report on the attitudes and concerns of victims. We want to work with the Department on the resourcing of that. It is important to note that not all people released from prison are subject to post-custody supervision or to a licence under the 2008 Order. There are still a lot of prisoners subject to a custody probation order. The one thing they all have in common is that they can register with the prison, the victim information scheme or our scheme, and we will try to provide the information to the victims. The parole commissioners do not consider the release of every prisoner; they consider only the relatively small number of cases involving public protection sentences.

**Mr S Anderson:**

OK. Thank you very much.

**The Chairperson:**

On the issue of probation officers signing off on residency, particularly for those who have been convicted of sexual offences — there is a supervision element involved when they go back into the community — the victims can be invited to put in an impact statement about their views on the residency. Beyond the victim, can other organisations do that? I suppose that that refers to the attempt to make provision for community impact assessments. Beyond the victim's view, how is other representation considered?

**Mr Doran:**

I will start to answer, and my colleagues, I am sure, will come in. Obviously, if a person is convicted of a sexual offence, they will be dealt with under the public protection arrangements for Northern Ireland, which bring in the police and social services. Following the Criminal Justice Inspection report of the Donagh case, which was an important recent case, a view was taken that the views of the community should have been given more weight. If a victim has opted into our scheme, we will provide information to them. Again, the vast majority of sex offenders living in the community are not under our supervision. The Probation Board welcomes the provision of community impact statements, but we are not the lead organisation in trying to establish them. I do not know whether Roisin or Rita has anything to add.

**Ms Muldoon:**

Only to say that a lot of work is going on on those reports at present, and we are certainly contributing to that work. Thus far, the earlier reports that we were referring to — the reports for the parole commissioners — have been prepared in respect of only 17 life sentence prisoners, although we hope to extend the reports to the other public protection sentences and extended and indeterminate custodial sentences.

**Mr Doran:**

There is an opportunity in that, from 1 April, as you are aware, the policing and community safety partnerships will be established in all council areas. We would like to think that some victims' organisations could be directly represented on those PCSPs, but, if they are not, we will certainly want to liaise with them and make sure that victims' views are heard at those forums.

**Ms J McCann:**

Thank you for your presentation. I do not know whether you can answer a question about the restorative work that you are involved in. It is not about the public restorative work with Community Restorative Justice, etc, it is more about the victims' information scheme in cases of

domestic violence. For instance, if you are working with a perpetrator of domestic violence and the victim of that violence has given you information as well, is some sort of assessment done as to whether that person can go back to the family home? Does that liaison or work continue in any way to ensure that the people in that home are safe? I do not know whether you have that information. Do you do that?

**Mr Doran:**

Yes, indeed. The Probation Board provides a programme for the perpetrators of domestic violence who have been adjudicated by the courts, and it is called the integrated domestic abuse programme (IDAP). Although we are not able to directly fund victims' groups to work with victims — that is not part of the Probation Board's remit under the Probation Board (Northern Ireland) Order 1982 — through our community development funding, we fund Women's Aid to work with the partner or former partner of the perpetrator to ensure that the information that we receive is as accurate as possible. There is also a safety element to that work. We provide funding for women's safety workers throughout Northern Ireland through Women's Aid, and we are very pleased to report that the IDAP is now being delivered in five sites throughout Northern Ireland.

**Mr B McCrea:**

Tell me a bit more about the single point of contact for victims. What does that mean exactly?

**Mr Doran:**

I will start, but Roisin and Rita probably have more direct knowledge. My understanding is that victims constantly say that they are confused by the system. They say that, if they had one point of contact throughout the court process, from pre-court to post-court, it would be more helpful to them. The Probation Board can get involved only when there has been a conviction, so we are restricted to that side of things. That is why the CJI recommendation is only that our scheme, the Prison Service scheme and the DOJ scheme for mentally disordered offenders should be amalgamated, which we fully support. Work on that has commenced, thanks to Rita, Roisin and their colleagues in the Prison Service and the DOJ. However, we think that we could go further in Northern Ireland. As people have noted, we have one Police Service, one Prison Service, one Probation Board, one Courts and Tribunals Service, etc. There should be the opportunity in this jurisdiction to have a one-stop shop — one point of contact. I think the Department is looking at that, and Stephen made reference to it. We are very keen to work with the PPS, which obviously works on cases pre-conviction, to do what we can.

**Ms Muldoon:**

Paul is right. The PPS, the courts and the police are working closely together at the moment, and, at the other end of the continuum, post-conviction, we are working closely with our colleagues in the Prison Service and the Department. In the short term, we hope to have that amalgamated victim information scheme up and running, but, in the longer term, we have our sights on the fully amalgamated scheme. Paul has hit the nail on the head.

**Mr B McCrea:**

Who is going to run it? Are you looking at establishing a new agency or bringing it into your remit? What are the practical outworkings of this?

**Mr Doran:**

We do not have strong views. We are not trying to be territorial; we want whatever is best. We take the views of groups such as Victim Support on what victims find useful. If those groups feel that a non-criminal justice organisation or a voluntary organisation is best placed to provide that,

we would have no difficulty with that, and we would want to put the resource that we currently deploy fully behind that. It may not necessarily require extra resources: it is just a question of joining up the dots.

The CJI report recommended that the Probation Board take the lead in the amalgamation of the schemes of the Probation Board, the Prison Service and the DOJ. However, that is primarily due to our numbers, the fact that we are present in the community and the fact that we have probation officers providing face-to-face contact.

**Mr B McCrea:**

In response to Mr Maginness, Rita said that the situation in Great Britain is different, in that there is earlier intervention there. Does that mean that, if you were to take forward your suggestion of an integrated solution, we would, in effect, leapfrog to a point even earlier in the process?

**Ms O'Hare:**

It could mean that, and we want to have that involvement as early as possible, or at least an arrangement whereby victims could be made aware as early as possible or given the right to choose to be informed as early as possible, rather than automatically assuming that they want the information. It is important that victims are aware that there is a service from the beginning, from when the incident happens, through to the final supervision of the offender. It is true that a victim does not want to know everything on that first day. When you have been the victim of a crime, there is only so much that you can take in.

**Mr B McCrea:**

You are quite right. Rita, you did not get the second half of my story, but you are going to be spared it. I get the general thrust.

**Ms O'Hare:**

It would be really helpful if victims knew, as early as possible, that there is a service to the end.

**Mr B McCrea:**

I do not want to extend the conversation too much, because I have a second question. However, the suggestion that there should be a single point of contact seems to be eminently sensible and something of some meat. What support is there from other agencies? Who is discussing it, other than the Committee?

**Mr Doran:**

The Department convened a meeting just before Christmas at which there was the opportunity to explore the possibility of European funding. The permanent secretary Nick Perry was there, along with a representative from the Office of the First Minister and deputy First Minister (OFMDFM). The official is to arrange a meeting with ourselves and the PPS to take that forward and, hopefully, get some European funding.

**Mr B McCrea:**

Chair, I think that we would like to know more about that. You can take it that we have noted that point. It is really quite interesting.

I will move on to my second point. You can certainly make a good argument that you get successful results. However, I am not sure whether the public fully understands what the Probation Board does or that it is successful. We come back to the whole question of how we reassure people that this is not a soft option. Without identifying anybody, I will say that, when

we visited the courthouse today, I was struck by the emphasis made in an argument about a person having met all the stringent conditions and how that had an impact on subsequent developments. I am not sure that that is fully understood. People feel that prisoners are just let out to run riot and that, if they do something wrong, eventually they will be caught and sent back to prison. Sorry, but that is the general perception. What are you going to do about that? We have to communicate to people that this is not a soft option. It is certainly not being soft on the victim, in that this is a better way of doing it and one that perhaps has better long-term outcomes. What is the external communication strategy?

**Mr Doran:**

Thank you for the question. I know that you have previously suggested to the Chair that a presentation to the Committee on effectiveness would be a good start, and I think that the Chair agreed. I have already talked to colleagues about taking that forward, and we will write to the Chair on that. However, I reassure the Committee that we have looked at our standards of practice in dealing with offenders. We introduced our new best practice framework in October and agreed it with the courts. Throughout that document, like a stick of rock, is concern for the needs of the victim. That is something that we have learned from our previous approach. We are now very clear that, particularly in an area like Northern Ireland where community and justice are so important, the needs of the victims have to be central.

Another small example is that we were recently contacted by the Consumer Council about doing some work with ex-prisoners and ex-offenders in the community to ensure that they are aware of how best to avoid debt and manage a bank account. One of the things that we did through Rita's unit was to ensure that victims who are registered with us also had access to a consumer panel, because they highlighted very clearly the financial impact that they had suffered as a result of being a victim of crime. That work will go forward now, so we acted as a conduit for the Consumer Council, very much keeping in mind the needs of the victim and not just the offender.

**Mr B McCrea:**

I will make one last statement on the issue. What I find challenging in this inquiry and debate is that all the things that agencies like yours suggest — how to mitigate repeat offending or whatever — are eminently sensible on their own, but there is a danger that the community and the victims will say, “You are doing all this work with the perpetrators of crime for the laudable reason of trying to stop them re-offending or whatever, yet the victims of crime get none of that support. No one comes along and tells them how not to get into debt or how to do such and such.” We need a balanced response whereby the victims get at least as much attention as the perpetrators. I know that that is a challenge and that there are resource constraints, but that is fundamental to the issue. The biggest challenge in our society is that people think the balance is tilted towards the perpetrators of crime and not the victims.

**Mr Doran:**

I accept that.

**The Chairperson:**

OK, members, no one else has indicated that they want to speak. Paul, I thank you and your team for coming along. It is much appreciated. That concludes today's evidence session.