



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 21/12

25 January 2012

NIAR 953-11

Fiona O'Connell

Supplementary Briefing Paper on Victims and Witnesses

1. Introduction

In order to assist the inquiry on victims and witnesses, the Justice Committee identified the need for a briefing paper on three additional areas following a presentation on two research papers: *The Status of Victims and Witnesses in the Criminal Justice System*; and *Victims and Witnesses: Good Practice Models*. The three areas for additional information included:

- Identified obstacles on getting cases to court or the trial starting;
- Updated information on a police local community pilot scheme for domestic violence victims;
- The scope of Witnesses Care Units and the parts of the process not covered by them, if any.

2. Obstacles on getting cases to court

This section first sets out some general issues identified by the Criminal Justice Inspection Northern Ireland (CJINI) on the problem of delay. Subsequently this section examines specific issues discussed by CJINI: timely and quality file preparation by the police, statute

barred cases, summons process, adjournments, case management/case progression, and sentencing reports.

The Problem of Delay

The Criminal Justice Inspection Northern Ireland (CJINI) published a report on Avoidable Delay in June 2010. There are a number of factors which contribute to the length of time cases spend in court including: the readiness of the prosecution team or defence to proceed with the case and the timing of a plea by the defendant which can contribute to high numbers of adjournments and lengths of court lists.¹ The inspection report highlighted the negative impact of avoidable delay on victims and witnesses which can be severe and 'can undermine the quality of justice.'² During the course of the inspection, inspectors met with Victim Support Northern Ireland and spoke to a victim and representative of a victim. According to the report, victims experienced deep frustration at the number of adjournments due to non-attendance of the defendant and the prosecutor not being ready to present evidence at a contested hearing.³ Unnecessary attendances by victims and witnesses led to increased stress for the victims, additional costs of travel, taking time off work and waiting around at court.⁴ In a report in 2011 on victims and witnesses, CJINI repeated that the recommendations made in the 'Avoidable Delay' report were vital to improving the experiences of victims and witnesses in the criminal justice system.⁵

Of particular concern to CJINI was the length of time it took to process cases in relation to youth defendants as it took on average 148 days to process a charge case (25 days longer than adults cases) and 283 days to process a summons case in 2009-10 (57 days longer than adult summons cases).⁶ The report indicated that the length of time it takes to process a case through to disposal by a court is too long, significantly longer than in England and Wales.⁷ A range of factors have been identified as to why youth cases take longer to progress. CJINI inspectors were told by some district judges that they were more inclined to grant adjournments to give youths 'a better chance.'⁸ Courts were also more likely to request full pre-sentence reports.⁹ Another factor is that a third of youth cases were notified as contested but then changed to a plea or the PPS withdrew the case.¹⁰ CJINI reported that interviewees raised the issue of combining youth and adult cases together as contributing to avoidable delay as it is the norm that the youth or adult case will follow the longest running case.¹¹

¹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, v viii. Available at <http://www.cjini.org/CJINI/files/c0/c0243f51-1e73-47e8-a6fa-344d5f0063c5.PDF>

² Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, 64

³ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, 65

⁴ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, 65

⁵ Criminal Justice Inspection Northern Ireland "The Care and Treatment of Victims and Witnesses in the Criminal Justice System" December 2011, para 4,37

⁶ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, v, 1, 10-11

⁷ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, v, 1.

⁸ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,49

⁹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,49

¹⁰ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,49

¹¹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,49

CJINI published a follow up report on its thematic inspection on Avoidable Delay in January 2012, which highlighted that progress was slow in a number of areas. CJINI reported that there has been recent deterioration for Crown Court cases and a significant deterioration in end to end times for adult and youth Magistrates' Court summons cases. The exception to this is in charge cases which have continued to improve over the last four years.¹² Crown Court cases continue to take more than 400 days on average from charge to disposal.¹³ CJINI recommended that statutory time limits should be introduced on a phased basis, starting with the implementation of youth court cases within the next two years. CJINI indicated that the details of how statutory time limits operate is ultimately for the Department of Justice to determine but CJINI recommends that the work should draw on experiences from other jurisdictions such as Scotland and England. CJINI also referred to recommendations made by the Review of the Youth Justice System in NI that there should be a time limit in youth cases of 120 days from the time of arrest to disposal; the Independent Prison Review Team made a similar recommendation as to the starting point.¹⁴

Timely and quality file preparation by the police

One of the main issues highlighted by CJINI in 2010 was the preparation of timely and quality files by the police "which links the two fundamental roles of a criminal justice system: investigation and prosecution."¹⁵ The Inspection Team reported that the PSNI were having difficulties in achieving timeliness targets set by the policing board. This can impact on cases getting to court as the police may need to request an extension to the six month statutory time limit for certain summary offences.¹⁶ In relation to file quality, CJINI indicated that this is one of the main challenges for the PSNI "with major implications for other criminal justice organisations".¹⁷ Some of the factors impacting on file quality include the experience of individual police officers and supervisors, workload, competing demands of police officers, the nature of offences and the experience and working practices of particular prosecutors.¹⁸ CJINI reported that data published by the PPS showed that the need for further statements or evidence constituted the largest proportion of "Requests for Further Information" (43%). This was followed by further enquiries/investigation (30%), interviews summaries/transcripts (15%) and medical/forensic reports (8%)¹⁹ According to CJINI, the average time for police to respond to each request for information file is 50 days and sometimes more than one request is required.²⁰ CJINI made a number of recommendations to improve file quality including:²¹

- Ensuring quality assurance checks are clearly understood and implemented at agreed points;
- Adequate resourcing of quality assurance checks;

¹² Criminal Justice Inspection Northern Ireland 'Avoidable Delay: A Progress Report' January 2012, vi

¹³ Criminal Justice Inspection Northern Ireland 'Avoidable Delay: A Progress Report' January 2012, vi

¹⁴ Criminal Justice Inspection Northern Ireland 'Avoidable Delay: A Progress Report' January 2012, 17

¹⁵ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,33.

¹⁶ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, 34.

¹⁷ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, 37.

¹⁸ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,36.

¹⁹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,36,

²⁰ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,36

²¹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,37-38

- Improved linkages between police districts and training departments in the PSNI;
- Greater integration in IT training in the NICHE case management system;
- Engagement between the PSNI and PPS on training needs and provision; and
- Greater appreciation of performance with regards to file quality in the internal PSNI rewards and sanctions systems.

CJINI acknowledged that since the last inspection, the PSNI has undertaken a two-fold approach to improve file quality and overall timeliness: freeing up resources devoted to file preparation (shorter files and more use of police discretion as a disposal); and streamlining and improving existing resources. However findings in the 2012 progress report indicated that the evidence to date on file quality is mixed as the PPS reported that the number of Requests for Further Information has remained high, particularly in complex indictable cases.²²

Statute Barred Cases

CJINI reported in “Avoidable Delay” that managing the work queue is a major challenge for the PPS and the impact of delay at this stage is that cases will take longer to get to court.²³ When files are sent to the PPS, they are registered and allocated to prosecutors for a decision on prosecution. Indictable case files are allocated manually by regional directors.²⁴ All other files are in the unallocated summary case queue.²⁵ Sometimes due to workload, backlogs will develop and cases can be left unallocated for months.²⁶ Over the past year the non-allocated work queue has increased with the biggest increase in the Belfast and Lisburn regions.²⁷ A file review conducted by CJINI found that one file had rested in a queue for 15.5 weeks – the average was 7.5 weeks. Another file had reached the stage of becoming statute barred by the time it was allocated.²⁸ This issue was again highlighted in the recent report in December 2011 by CJINI on victims and witnesses when inspectors heard concerns from a woman whose son was the victim of an assault. The women had been informed by the PPS the case could not be proceeded with as the case had become statute barred which meant that it was outside the statutory time limit for prosecution.²⁹

In the 2012 progress report, Inspectors raised concerns about the number of cases which have become statute barred and cannot be prosecuted by the PPS. CJINI indicated that this is both a symptom of delay and ineffective case management in the PSNI. The Inspectors reported that 40 cases per month became statute barred in the first half of 2011, similar to

²² Criminal Justice Inspection Northern Ireland “Avoidable Delay: A Progress Report” January 2012, 11

²³ Criminal Justice Inspection Northern Ireland “Avoidable Delay”, June 2010,39

²⁴ Indictable offences more serious offences which are tried at the Crown Court whereas summary cases are tried summarily in the Magistrates’ Court and there is no jury trial, see B Dickson (2011) Law in Northern Ireland: An Introduction” SLS Publications, para 8.2

²⁵ Criminal Justice Inspection Northern Ireland “Avoidable Delay”, June 2010,39

²⁶ Criminal Justice Inspection Northern Ireland “Avoidable Delay”, June 2010,39

²⁷ Criminal Justice Inspection Northern Ireland “Avoidable Delay”, June 2010,39

²⁸ Criminal Justice Inspection Northern Ireland “Avoidable Delay”, June 2010,39

²⁹ Criminal Justice Inspection Northern Ireland “The Care and Treatment of Victims and Witnesses in the Criminal Justice System”, December 2011, para 4.29

the position in the 2010 inspection. An internal push by the PSNI reduced this to an average of 13 during the summer months of 2011. CJINI emphasised that this would require ongoing monitoring by the PSNI and the PPS.³⁰

Summons Process

CJINI suggests in its reports that the summons process is an area where avoidable delay could be reduced. A summons case takes longer than a charge case as a summons is required to be issued by the PPS, signed by a lay magistrate and served directly by the PSNI or increasingly by post.³¹ One recommendation is that this could be achieved through a provision to allow the PPS to commence proceedings without having to seek permission from a lay magistrate.³²

In the progress report in 2012, CJINI indicated that it was concerned about the summons stage (from when the PPS issue a decision on prosecution to when a defendant appears in court) as performance has significantly deteriorated in 2010-11 and the first half of 2011-12. On average this stage has lasted 151 days for adults (22 weeks) and 140 days for youth defendants (20 weeks). CJINI emphasised that this was an average as some cases were taking much longer; the justice agencies have a target of four to six weeks for the service of summonses.³³ CJINI suggests that the spike in delay relates to the 20% of postal summons which are not served first time, leading to multiple attempts at personal service by the PSNI and long delays prior to court.³⁴ CJINI acknowledged that the summons approach to court attendance will continue for specific types of cases such as road traffic offences which will in the main continue to be served by post. CJINI suggest some possibilities for the issue of personal service:³⁵

- outsourcing , which would be the preference of the PNI but will require new legislation;
- the service on accused solicitor; or
- the service on an accused at the time of police bail.

Adjournments

CJINI referred to its previous inspection in 2006 which found that adjournments were a large contributing factor in the overall end to end case time.³⁶ CJINI highlighted that subsequent data provided by the NICTS indicated that in 2008, there were almost 140,000 adjournment orders for defendants in criminal courts in NI. CJINI noted that these equated to an average of 6.44 per defendant in the Crown Court, 2.22 per defendant in the magistrates' court and

³⁰ Criminal Justice Inspection Northern Ireland "Avoidable Delay: A Progress Report" January 2012, 12

³¹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010, 92

³³ Criminal Justice Inspection Northern Ireland "Avoidable Delay: A Progress Report" January 2012, 8-10

³⁴ Criminal Justice Inspection Northern Ireland "Avoidable Delay: A Progress Report" January 2012, vi

³⁵ Criminal Justice Inspection Northern Ireland "Avoidable Delay: A Progress Report" January 2012, 16

³⁶ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,50

4.7 per youth defendant in the magistrates' court. The equivalent figures for England and Wales were 1.36 in the magistrate court and 1.35 in the youth court.³⁷

A number of factors have been identified in contributing to adjournments such as prosecution or the defence were not ready to proceed; new evidence introduced or the need to produce documentation such as driving licences.³⁸ However CJINI acknowledged a distinction between productive adjournments (such as those need to gain necessary information such as pre sentence reports) and adjournments which could have been avoided with better planning (such as a defendant or a witnesses not turning up). Evidence gathered by CJINI in relation to adjournments identified a number of key issues. One of the most common is a prosecutor waiting on part of or a full file.³⁹ Another issue often mentioned is the need to obtain external information such as forensic science or a medical report, however CJINI indicated the data suggests it is less frequent.⁴⁰ A frequently identified cause of adjournments is witness availability and lack of attendance in court. Some problems include civilian witnesses not invited and police not made available due to diversion to operational issues, leave or sickness. The PSNI informed CJINI inspectors that the PPS failed to understand police officers availability and take account of rotas including night duty arrangements.⁴¹ Case progression officers in Belfast reported to CJINI that witness problems were the main cause of adjournments, as the PPS do not have the resources to follow up on witness problems.⁴²

An adjournment pilot project has been established in Londonderry/Derry Magistrates court which classifies each adjournment according to a code. Data from the pilot in 2010 indicated that 61% of case progression adjournments were attributable to the prosecution. In the youth court 56% of case progression adjournments were attributable to the defence and 40% to the prosecution.⁴³ The vast majority of case progression adjournments are due to one or more parties not being ready to proceed with the case.

The issue of adjournments was raised again by CJINI in its progress report in 2012 which indicated that the reasons for adjournment are caused by a general lack of preparedness for court by both the prosecution and the defence.⁴⁴

An issue not specifically dealt with by CJINI in its report in avoidable delay emerged in the aftermath of a high profile murder case in Northern Ireland in late 2011. It was reported that a defendant in a high profile murder case changed her legal team on no less than four

³⁷ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,51

³⁸ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,51

³⁹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,53

⁴⁰ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,53

⁴¹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,53

⁴² Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,53

⁴³ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,54

⁴⁴ Criminal Justice Inspection Northern Ireland "Avoidable Delay: A Progress Report" January 2012,13

occasions resulting in the delay of the case which took two years and 10 months to process.⁴⁵

Case Management/ Case Progression

CJINI suggest in its report on avoidable delay that case management/progression is another area where avoidable delay could be reduced. CJINI highlights that case management/progression covers all stages of a case from investigation through to a disposal in court. CJINI report that inadequate inter-agency case progression remains a root cause of avoidable delay at all stages of cases but particularly at the court stage where a number of justice organisations are involved.⁴⁶ A pilot on case progression was established in Belfast Laganside Courts in 2007-2008 in youth cases. However it was decided that whilst there was improvement in case processing times that it could not be attributed to the Case Progression Group and therefore a decision was taken not to expand the initiative.⁴⁷ CJINI were informed during the inspection that a new initiative was presented to the Criminal Justice Board, a modified version of the case progression meeting format. CJINI emphasised the initiative needed to be supported by defined terms of reference, appropriate operational members from the justice organisations and a common data set of live information.⁴⁸ CJINI highlighted that appropriate staff in the relevant organisations to take responsibility for case progression was an essential element of case progression. CJINI acknowledged that a previous recommendation for the Northern Ireland Courts and Tribunals Service (NICTS) to appoint Case Progression Officers was implemented, however there was a lack of a collaborative approach and there were no equivalent staff in the PSNI and PPS. CJINI recommended that the establishment of case progression personnel in the three main criminal justice agencies should be expedited.⁴⁹ In its most recent report on victims and witnesses, CJINI heard issues of concern regarding the agreeing of witnesses with the defence.⁵⁰ Inspectors noted that the Lord Chief Justice has issued a practice direction which touches on this issue. The purpose of the practice direction is to improve witness availability to ensure that avoidable adjournments can be prevented in the Crown Court.⁵¹ CJINI also described arrangements in England and Wales under the Criminal Procedure Rules 2010 to ensure witnesses can be agreed at an early stage and contain sanctions for non-compliance.⁵² CJINI recommended

⁴⁵ See the Irish News "20 Year Jail Term for 'truly heinous' murder welcomed" October 29 2011 and Belfast Telegraph "A Defendant should pay for new legal team" November 2011

⁴⁶ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,54

⁴⁷ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,57

⁴⁸ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,57

⁴⁹ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,57-58

⁵⁰ Criminal Justice Inspection Northern Ireland "The Care and Treatment of Victims and Witnesses in the Criminal Justice System" December 2011, 4.38

⁵¹ CJINI notes that this practice direction is operating in pilot form in Antrim and Belfast Crown Courts since September 2011. See Criminal Justice Inspection Northern Ireland "Avoidable Delay: A Progress Report" January 2011, 13

⁵² Criminal Justice Inspection Northern Ireland "The Care and Treatment of Victims and Witnesses in the Criminal Justice System" December 2011, 4.40

that case management is put on a statutory footing with timescales, incentives and sanctions to ensure effective case progression.⁵³

In the progress report in 2012, CJINI reported evidence of increasing collaboration between case progression staff in relation to Crown Court cases and contested cases in the Magistrate's Courts and that there is scope to better utilise this expertise now that more live time case information is becoming available via the Causeway data sharing mechanism and each justice agency's own case management systems.⁵⁴

Sentencing Reports

Whilst the remit of the paper was to outline the obstacles on cases getting to court or delaying trials, it might be interesting to note that CJINI identified delays at the stage after a verdict is reached and prior to sentencing. After a finding of guilt and prior to sentence, this stage is devoted to gathering information to inform the sentencing of defendant. Most cases are adjourned for the preparation of a Pre- Sentence Report (PSR) and sometimes this is replaced by a Specific Sentence Report (SSR) which is generally prepared more quickly by the Probation Board Northern Ireland (PBNI). PBNI is usually given 14 days to prepare a report, however this is reportedly higher in areas such as Derry/Londonderry where the figure is 21 days as PBNI have asked additional time to prepare cases. These reports require a court adjournment of three weeks.⁵⁵ CJINI highlighted that in 2009, a PBNI audit showed that 25% of PSRs could have been done by SSRs and a later audit in 2010 suggested that 15% of PSRs could have been processed as an SSR.⁵⁶ It has been noted that specific reports are used more in Belfast than in rural areas but this could be explained by a number of reasons: a pilot was launched in Laganside Court and PBNI has an office in these courts with access to the case management system.⁵⁷ CJINI recommended that PBNI should work closely with sentencers to increase the proportion of Specific Sentence Reports in accordance with the PBNI audit. An audit of Pre- Sentence reports in 2011 suggests that the uptake of SSRs is low, in 2010 PBNI prepared almost 6000 PSRs but only 325 SSRs.⁵⁸ CJINI recommended that that PBNI need to look at the reasons for low uptake of SSRs and if necessary to develop reports that are less resource intensive to meet the requirements of sentencers. CJINI also recommended that PBNI should increase the usage of SSRs and set a target of 35% per annum.⁵⁹

⁵³ Criminal Justice Inspection Northern Ireland "The Care and Treatment of Victims and Witnesses in the Criminal Justice System" December 2011, 4.41

⁵⁴ Criminal Justice Inspection Northern Ireland "Avoidable Delay: A Progress Report" January 2012, 13

⁵⁵ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,58

⁵⁶ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,58

⁵⁷ Criminal Justice Inspection Northern Ireland "Avoidable Delay", June 2010,59

⁵⁸ Criminal Justice Inspection Northern Ireland "Pre Sentence Reports" June 2011, para 3.19

⁵⁹ Criminal Justice Inspection Northern Ireland "Pre Sentence Reports", June 2011 para 3.30 and 3.31

3. Police Domestic Violence Pilot Schemes

After a presentation on the two previous papers provided to the Justice Committee on 8th December 2011, a member referred to a pilot in the context of domestic violence. The pilot scheme highlighted involved a designated police officer who came into a community setting in plain clothes where women felt more comfortable reporting the offence. The member highlighted that the pilot appeared to be successful as more women came forward to report the offence. The member asked whether there was any information on whether the pilot had been rolled out.⁶⁰ The PSNI were contacted to obtain information and according to information received, there are various 'One Stop Shops' in Northern Ireland which involves a venue for victims of domestic abuse to drop in and seek advice and information from various professionals from Women's Aid, police, solicitor, and social security agencies. However services may vary across the different 'One Stop Shops'. These venues enable victims of domestic violence to call in and discuss their situation rather than physically attending a police station or have a police officer call out to their home.⁶¹

There have been other pilots involving the police in dealing with domestic violence incidents. One pilot involved the use of Body Worn Digital Recording Systems or head cameras, which was piloted in Carrickfergus between March and August 2008. During the pilot, the cameras were booked out 424 times and 53 recordings were made. An evaluation of the report indicated that the pilot offered good evidence in domestic violence incidents and CJINI reported that offences fell by 4% compared with the same six month period in 2007.⁶² Some anecdotal evidence provided examples that head camera evidence resulted in early guilty pleas on a case by case basis or directly contributed to the prevention of crime. CJINI highlighted that the pilot was subsequently rolled out to Lisburn and preparations were underway to roll out the scheme in Newtownabbey and Antrim. CJINI recommended that in consultation with the PPS, the PSNI should explore the feasibility of further roll out of the Body Worn Digital Recording Systems to other police districts in Northern Ireland.⁶³ PSNI were contacted to get further information on the stage of this pilot and whether it has been further rolled out. The response stated

"District personnel in various areas do continue to use the head cameras. Development of this has been limited on a national level as the National Police Improvement Agency had until recently been drafting a national procurement framework for 'body worn' digital recording systems whilst producing revised guidance for police services throughout the UK in relation to the use of this equipment. However, due to a Home Office consultation on the Government's 'Protection of Freedoms' Bill (which includes provisions relating to 'surveillance cameras' - which includes the use of head cameras), progress has been halted pending the outcome of this consultation. In light of the commitments both financially with the equipment (as well as back office equipment) and the resources, it was felt

⁶⁰ Question asked by Jennifer McCann MLA in the Justice Committee meeting 8 December 2011

⁶¹ Information obtained via email from PSNI, 25/01/12

⁶² CJINI "Domestic Violence and Abuse: A Thematic Inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland", 13

⁶³ CJINI, Domestic Violence and Abuse: A Thematic Inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland", 13

that the PSNI would wait until a definitive national position emerges reflecting NPIA advice.⁶⁴

The PSNI have also been involved in two pilots with Women's Aid support workers in two Belfast police districts.⁶⁵ The project involved the co-location of a Women's Aid support worker within the domestic abuse team. The role of the Women's Aid support worker was to support victims through the criminal justice system, offering support and explanations about the process. The project was deemed to be successful as it encouraged victims who might have not done so otherwise to support the investigation and prosecution process. CJINI recommended that the PSNI in conjunction with Women's Aid should explore the possibility of further co-location of support workers with the Public Protection Units in the police.⁶⁶ A submission from Women's Aid Federation to the Justice Committee into the inquiry on victims and witnesses indicates that Women's Aid Workers have been embedded in five Public Protection Units which has proven to be beneficial.⁶⁷

4. Witness Care Units

There are 165 Witness Care Units (WCUs) in England and Wales. The WCUs provide a single point of contact for victims and witnesses and are jointly staffed by the police and the Crown Prosecution Service. Their aim is to minimise the stress of attending court and to keep victims and witnesses up to date on their case. The WCUs manage the care of victims and witnesses from the point a defendant is charged through to the conclusion of a case. When a person is charged with a crime, the police will pass the witnesses' file to the local WCU.⁶⁸ The Witness Care Unit will allocate a dedicated Witness Care Officer to act as a single point of contact to keep the victim or witness informed of the cases progress from the point of charging the suspect to sentencing or acquitting the defendant.⁶⁹

The services provided by WCUs include:⁷⁰

- A single point of contact for victims and witnesses, communicating by their preferred means;
- A full needs assessment for victims and witnesses where a defendant pleads not guilty identifying needs such as transport, childcare, language difficulties and medical issues and highlight possible areas of concern such as intimidation;
- Dedicated case officers to guide and support individuals and co-ordinate services;
- Continuous review of victims and witnesses needs throughout a case;

⁶⁴ Information obtained from PSNI via email, 25/01/12

⁶⁵ According to the Northern Ireland Policing Board, A District was involved in the pilot, which placed a Women's Aid Support Worker in Antrim Road Police Station. See the Northern Ireland Policing Board "Thematic Inquiry on Domestic Abuse: Human Rights and Professional Standards Committee", 13.

⁶⁶ CJINI, Domestic Violence and Abuse: A Thematic Inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland", 21

⁶⁷ Women's Aid Federation Northern Ireland "Written Submission to the Committee for Justice: Inquiry into the Criminal Justice Services Available to Victims and Witnesses of Crime in Northern Ireland" December 2011, 7.

⁶⁸ <http://www.victimsupport.org/Help-for-witnesses/A-guide-to-the-courts/What-to-expect-if-called-as-a-witness>

⁶⁹ http://www.cps.gov.uk/victims_witnesses/reporting_a_crime/keeping_you_informed.html

⁷⁰ http://www.cps.gov.uk/news/fact_sheets/witness_care_units/

- Communication with witnesses including outcome of a case including thanking them for their contribution and offering post case support from relevant support agency'

WCUs have certain legal obligations set out in the Code of Practice for victims of crime which came into force in April 2006. These obligations include:

- Inform victims and witnesses if they will be required to give evidence;
- Inform victims of court hearing dates;
- Give a copy of "Witness in Court" leaflet or other information if required to give evidence;
- Tell victims and witnesses of outcome and explain any sentence within one day of receiving the outcome from court.

Academic literature highlighted that the units were set up to deal with victims and witnesses after the offender has been charged, however there are no provisions in place for the much larger number of victims whose offenders have not yet been detected, or for any victim or witness during the early stages of the investigation, although they too could benefit from better information and a single point of contact.⁷¹

5. Conclusion

This paper provides further information on areas identified by the Justice Committee to assist the Members in its inquiry on victims and witnesses. These areas included the following:

- Obstacles to cases going to court/the trial starting;
- Additional information on a police domestic violence pilot;
- Further information on Witness Care Unit and parts of the process not covered.

Obstacles to cases going to court/delaying start of trial

CJINI has published a number of reports on Avoidable Delay which highlight issues on case progression through the criminal justice system. In its most recent report in 2012, CJINI reported that there has been recent deterioration for Crown Court cases and a significant deterioration in end to end times for adult and youth Magistrates' Court summons cases. Crown Court cases continue to take more than 400 days on average from charge to disposal. CJINI recommended the introduction of statutory time limits, starting with implementation in youth defendant cases.

Other issues highlighted in the CJINI reports which can impact on cases getting to court or cause delays in the process included:

⁷¹ Dame Helen Reeves and Peter Dunn "The Status of crime victims and witnesses in the twenty-first century" in A Bottoms and J.V Roberts (eds) *Hearing the Victim: Adversarial justice, crime victims and the State* (2010) Willan Publishing

- Timeliness and quality of file preparation by police, it has been reported that there are high levels of Requests for Further Information from the PPS, contributing to delay;
- Cases becoming statute barred- CJINI reports highlight two factors: the unallocated summary cases work queue in the Public Prosecution Service (PPS) and ineffective case management in the PSNI;
- The process of issuing a summons contributes to avoidable delay as a summons is required to be issued by the PPS, signed by a lay magistrate and served directly by the PSNI or increasingly by post. Delay has also resulted from a number of postal summons not being issued first time by the PSNI. CJINI has made some possible suggestions in this area;
- Adjournments are a major contributing factor in overall end to end case time and CJINI report that the reasons are a general lack of preparedness for court by both the prosecution and defence. A number of factors have been identified in contributing to adjournments including: prosecutor waiting on part of or a full file; the need to obtain external information such as forensic science or a medical report; and witness availability and lack of attendance in court. Some problems include civilian witnesses not invited and police not made available due to diversion to operational issues, leave or sickness.
- Case progression and case management- inadequate inter-agency case progression remains a root cause of avoidable delay at all stages of cases but particularly at the court stage where a number of justice organisations are involved. CJINI's most recent report highlights evidence of increasing collaboration between case progression staff.
- Delays at sentencing stage-CJINI suggested that a number of Pre-Sentencing Reports (PSRs) could be dealt with as Shorter Specific Reports (SSRs) which can be prepared more quickly by PBNI.

Domestic Violence Pilot

There are a number of One Stop Shops across Northern Ireland that provide a venue for victims to drop in and seek advice and information from various professionals including Women's Aid, police, solicitor and social security agencies. These venues allow victims of domestic violence to call in to discuss issues rather than attending a police station. However, there have been two other police domestic violence pilots that may interest the Committee. These include partnership working between the police and Women's Aid support workers embedded in the Public Protection Units and the use of Body Digital Recording Equipment (head cameras). Both pilots currently are in operation and have been rolled out. CJINI has made recommendations in respect of these pilot projects.

Witness Care Units

The police will provide a file to the local Witness Care Unit when a defendant is charged with a crime. The Witness Care Unit manages the care of the victims and witnesses from this point until the conclusion of the case. It has been highlighted in literature that no provisions have been put in place for victims where the perpetrator has not yet been detected or where the investigation is at an early stage.