



Submission to the Inquiry into Victims and Witnesses of Crime

For the Northern Ireland Assembly Committee for Justice

From

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Restorative Practices Programme

University of Ulster

The Restorative Practices Programme at the University of Ulster

Since 2003 the University of Ulster has been delivering training to the Youth Justice Agency, the Police Service of Northern Ireland, the Prison Service, community based restorative justice projects, social workers and schools. Approximately 350 students have completed courses accredited at certificate, diploma or masters level.

Restorative Justice

The University of Ulster teaches the 'balanced model of justice' which asserts that a justice system can only be assessed as effective if it balances the needs and interests of victims, offenders and their communities.

- 1. It is our submission that the current criminal justice system in Northern Ireland needs to be rebalanced to focus on the needs and interests of the victim as well as those of the offender and communities.*

Crime harms victims in many ways. The criminal justice system should be designed primarily to provide victims with justice. Yet throughout the criminal justice process victims have little or no part to play. Their voice is seldom heard. Their needs and interests are rarely addressed effectively. As a result the public generally finds the work of the criminal justice system unsatisfactory.

The Government of Northern Ireland has the opportunity to design a criminal justice system which enables victims to participate actively in the justice process so that their voice is heard and their interests attended to, to receive support to have their needs met and to hold those who have harmed them to account.

Rather than focusing on crime and punishment restorative justice focuses on the harm that crime causes and seeks ways for harm to be repaired and prevented in the future. For this reason a restorative justice system begins with the harm caused to the victim while recognizing that communities are also harmed and that a criminal lifestyle also harms offenders and those close to them.

- 2. It is our submission that the criminal justice system should prioritise the needs and interests of victims at every stage of its process. This does not imply that the needs and interests of offenders should be neglected.*

The University teaches that being a victim of crime is a distressing, and in some cases a traumatic, experience. Certain needs arise from the impact of the harm. Research into victimization has found that victims commonly experience a need for safety, for justice and to regain control of their lives. The impact of the harm varies according to the nature of the offence, the vulnerability of the victim and the support available to the victim. Consequently there can be no standard response to meeting the needs of victims. The best way to meet each individual's needs is to listen to what they say.

- 3. It is our submission that victims should have their voice heard and be enabled to participate actively within the criminal justice process.*

The experience of youth conferences facilitated by the Youth Justice Agency and of community based restorative justice projects has demonstrated that, if offenders are made accountable to their victims and if victims' accounts of their suffering are listened to respectfully, constructive and demanding action plans committing the offender to make amends for the harm and to take steps to prevent its reoccurrence are agreed and implemented successfully. In these circumstances victims rarely demand punitive disposals or custody. In this way victims have a personal experience of justice and have

their needs satisfied, offenders are enabled to desist from harm and expensive and unnecessary punishments are avoided.

Practical proposals

While restorative justice is an effective approach to satisfying victims' needs, its weakness is that it requires the offender to be apprehended and to admit responsibility for the harm. Low clear-up rates mean that most victims will never be offered a restorative conference. Understandably the police will often try to persuade offenders to have past offences of which they were not convicted to be 'taken into consideration'. This can lead to some victims feeling that they are excluded for the criminal justice system.

Victims need services whether the offender is apprehended or not. Victim Support NI provides a vital service to victims of crime. Other organisations specialize in supporting victims of specific crimes such as sexual offences, domestic violence, racially motivated crime, child abuse and the harm caused during the civil conflict.

Young people tend to be labeled as offenders. Yet statistically young people are the group in society most likely to be victims of crime. Most victims' organisations are not designed for young victims of crime.

4. *It is our submission that these organisations need adequate long term funding so that they can develop and sustain high quality services for victims.*
5. *It is our submission that there should be services designed specifically for young people who have been victims of crime.*
6. *It is our submission that those working in these organisations should receive appropriate accredited training so as to assure a professional service.*

For victims (and witnesses) experiencing the criminal justice process of investigation and court proceedings can be stressful and confusing especially for children and young people who lack the support of parents and to vulnerable adults. Victims in general complain that they are not kept informed about progress on detecting and prosecuting their case, This adds to their anxiety and reinforces their belief that they do not count.

7. *It is our submission that the Appropriate Adult Scheme should be extended to victims and witnesses who are children and young people and who are vulnerable adults.*
8. *It is our submission that victims should be kept informed on a routine basis by the PSNI or the Public Prosecution Service on the progress or otherwise of their case. They should be given a contact point which they can use to contact the PSNI or PPS proactively.*

Some victims do not understand how sentences are determined in their cases and as a result feel that their needs and interests are disregarded. They are excluded from the 'deals' that are negotiated between the prosecution and defence over charges, pleas and anticipated sentences. They have no access to pre-sentence reports.

9. *It is our submission that a victim advocate should be available to explain to victims the sentencing process, inform them on the key issues being addressed in the process and represent their views and interests.*

Victims should have the right to articulate how the crime has affected them and what steps should be taken to repair the damage caused to them by the offence. Victim impact statements should relate to victims' needs and not influence levels of punishment or rehabilitation which should remain the domain of the judge.

10. *It is our submission that victims should have the right to submit Impact Statements describing how the offence has affected them and those close to them. They should also include a statement of what they need to restore their sense of safety and well being. They should not attempt to influence the punishment ordered by the court. However, the Impact Statements could include a request to the offender that he or she should complete some act of direct or indirect reparation whatever sentence is determined.*

Victims may wonder about what effects the sentence has had on the offender. They have a strong interest in not only their own safety but also in the protection of other potential victims.

11. *It is our submission that those agencies responsible for the implementation of court sentences (the Probation Board, the Youth Justice Agency and the Prison Service) should provide a*

report at the completion of the sentence on the offender's participation in the sentence and its outcome in relation to the reduction of risk in reoffending.

- 12. It is our submission that towards the completion of custodial sentences in the cases of serious violent or sexual offences victims should be informed about the arrangements for release and risk management in relation to the offender. They should be kept informed on any breaches or changes in these arrangements.*

Restorative conferences in relation to young offenders and their victims have been an outstanding success in providing victims with a satisfying experience of justice Northern Ireland. This success has been due to a robust practice model, the recruitment of high caliber practitioners, accredited training, and rigorous performance management.

- 13. It is our submission that restorative conferences should now be extended to adult offenders and coordinated by specialist, facilitators trained to same standard as the youth conference coordinators.*

Even though restorative justice should balance the needs and interests of victims and offenders, the way that the criminal justice system has developed means that the process is inevitably offender focused. Currently restorative conferences are initiated by the need to determine what should happen to a individual responsible for a criminal offence. We know that victims have questions about the experience of being harmed that can only be answered by those who have harmed them: Why did you choose me? What happened to my son/daughter/father/mother etc? Will you do it to me again?

- 14. It is our submission that victims should be enabled to request a facilitated meeting with the person who has harmed them at any time irrespective of how the system has dealt with the offender. This should be conducted on the basis of the offender's consent and through a planned, safe and respectful process facilitated by trained practitioners.*

There are a range of highly trained and professional practitioners focusing on offenders in the criminal justice system. The implications of this submission is that serving victims' needs and interests is a highly skillful and professional task.

15.It is our submission that a professional accreditation for work with victims should be designed and delivered in Northern Ireland and this should be delivered at University level.

Northern Ireland needs a comprehensive policy on victims of crime and an effective strategy for implementation to rebalance the criminal justice system.

16.It is our submission that the recent EU Directive on Victims of Crime provides a structure for such a policy.

17.Many of the initiatives suggested in this submission will be innovative and not all will prove successful in practice. It is our submission that a new policy and strategy on victims of crime should be subject to independent research and evaluation.

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