



Department of
Justice

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Making a difference to victims and witnesses of crime Improving access to justice, services and support

A five-year strategy

June 2013



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and witnesses of crime

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Minister's foreword



None of us would choose to be a victim of crime or a witness to it. The effects can be long-lasting and still affect people long after the actual crime has happened or, indeed, the case has been dealt with. Contact with the criminal justice system should not unnecessarily add to the distress suffered by victims or witnesses. I want to take steps to make sure that this is the case by improving access to justice and making a significant difference to the experience of victims and witnesses. Ultimately, I want to create a smoother process for those who have contact with the criminal justice system. I also want to make sure that victims feel that they are being treated as individuals, rather than simply just part of a case in the system, and that they are clear about who they can contact to get more information.

How we treat those who have been harmed by crime, including how their evidence is handled, is the ultimate test of how our criminal justice system responds. Witnesses are needed at all stages of the process. This includes investigating crimes, taking forward prosecutions, testing the strength of evidence and making sure cases are dealt with quickly and effectively. For victims and witnesses to come forward in the first place, they must believe that what they have to say is important and will be taken into account. At the centre of all of this is that we treat victims and witnesses with dignity and respect and they are certain that their contribution, no matter how small, is valued. One significant step in this direction will see a formal process developed around victim personal statements (where a victim's view is put forward). This will be covered by legislation and be more actively promoted. We will also set up a victim and witness care unit, providing for a smoother experience of the criminal justice system.

Some may argue that improving the experience and rights of victims and witnesses could have a negative effect on those accused of crimes who are innocent until proven guilty. I do not see the two as mutually exclusive; one is not secured at the expense of the other. We can and must improve the journey for victims and witnesses through the criminal justice system, while also making sure that none of the basic rights in that system are lost. Securing both is achievable. I want to make sure that there is a greater focus on victims and witnesses. Importantly, they must be treated better than has sometimes been the case in the past. To achieve this, I plan to bring forward a statutory victim charter setting out clearly how victims of crime should expect to be treated as well as the standards of services they are entitled to get from the criminal justice system. We will also develop a statutory witness charter, outlining the services available for witnesses of crime.

This strategy includes the views of a wide range of organisations and others with an interest in this area. Importantly, it builds on many of the recommendations from the Committee for Justice inquiry into the criminal justice services available to victims and witnesses of crime. I welcome the committee's report, and the time and attention that the members have devoted to this issue, as well as their findings that have substantially informed this new strategy.

The strategy also responds to a number of recommendations in reports from Criminal Justice Inspection on the help available to more vulnerable victims and witnesses and on the care and treatment of victims and witnesses more generally.

Finally, we have taken account of the views of a range of representative organisations as well as those personally affected by crime.

I believe that we have made a good start since devolution, but we can always do more. I want to improve the experience of both victims and witnesses of crime, encourage them to report crime and make sure that they can give the best possible evidence during any prosecution. I also believe that more support should be targeted at those most in need, making sure that their voice can be heard loud and clear.

I will, of course, be taking this work forward with help from senior leaders across the criminal justice agencies and our voluntary sector delivery partners. Making a difference for victims and witnesses will stay at the top of our agenda.

DAVID FORD MLA

Minister of Justice

Executive summary

- 1 This is the first strategy for victims and witnesses of crime since justice powers were passed to the Northern Ireland Assembly in 2010. The new strategy has been substantially informed by the report of the Committee for Justice (Justice Committee) of its inquiry into the criminal justice services available to victims and witnesses of crime in Northern Ireland and also the 2011 and 2012 reports by Criminal Justice Inspection on the care and treatment of victims and witnesses and how special measures operate.
- 2 The strategy aims to provide better quality services which respond to the needs of victims and witnesses, and secure a more positive experience for all those who have contact with the criminal justice system.
- 3 There are five broad themes, including 51 actions, which we will deliver over five years. We are due to deliver almost three-fifths (30) of the actions within the first two years of the strategy (2013/2014 and 2014/2015). We will work on the rest during that period and deliver them during the last three years (2015/2016 to 2017/2018).
- 4 We have summarised the five themes and some of the associated actions below.

Theme 1: Status and treatment of victims and witnesses

- 5 This aims to make clearer the entitlements of victims and the standard of services that victims and witnesses including children and those bereaved through crime, can expect to receive as they move through the criminal justice system. The main focus in the first two years will be a statutory victim charter (one which is put into law). We will also provide training for staff in the criminal justice organisations who interact with victims and witnesses, relevant to their roles. Criminal justice organisations will reflect their commitment to improving services for victims and witnesses in their corporate and business plans.
- 6 During years three to five, we will develop a statutory witness charter and review the current independent method for dealing with complaints. We will also agree minimum standards that should apply across all criminal justice agencies. We will also work together to make sure that cases move as smoothly as possible between organisations, with individuals clear about who they can contact to sort out issues.

Theme 2: Communication and providing information

- 7 This deals with measures to improve communication across the criminal justice system and with victims and witnesses of crime. During the first two years of the strategy, we will set up a victim and witness care unit and produce an easy-to-understand flowchart setting out the various stages that a case may go through. Our aim is to make this information as accessible as possible. We will also review how the post-sentence information schemes operate.
- 8 During years three to five, we will put into practice clearly defined communication procedures and develop technical solutions to improve information about how cases are progressing. We will also provide information to victims on bail conditions, where available.

Theme 3: Providing support and special measures

- 9 This theme deals with support facilities, with a focus on individual needs, assessing these early on and setting up appropriate standards of support. In the first two years, we will introduce a formal needs assessment process to identify particular support needs at the earliest stage. We will review these needs as necessary as the case progresses. We will also assess courthouse facilities and the current pilot exercise for special listing arrangements in domestic violence cases. We will also develop advocacy services, introduce registered intermediaries schemes and continue to arrange and pay for other organisations to provide support services for victims and witnesses. We will work to reduce waiting times at court and take action to tackle victim and witness concerns about court attendance. Finally, we will explore the scope for improving how we share victim and witness information among criminal justice organisations and with voluntary sector delivery partners.
- 10 The main measures we will take forward in years three to five include work to improve our understanding of gaps in the support services for victims of serious crime (see note 1 at the bottom of the page) and those who are vulnerable or intimidated as well as examining the way services for victims and witnesses in courthouses are currently managed. We will also continue to update the achieving best evidence guidance to make sure that we promote good practice when interviewing victims and witnesses so they can give their best evidence in criminal proceedings.

¹ Serious crime typically includes crimes such as murder, manslaughter, domestic violence or abuse and sexual violence.

Theme 4: Involvement and improved understanding

- 11 In years one and two of the strategy, this theme focuses on promoting guidance on victim personal statements and expert victim impact reports as well as community impact statements. These allow victims, communities and professionals, such as psychiatrists and psychologists, to set out how a crime has affected a victim or the community as an indirect victim. In that timeframe, we will also provide a legal entitlement for victims to make a written victim personal statement, if someone pleads or is found guilty. We will also look at the operational issues with compensation schemes with the aim of improving delivery.

- 12 Years three to five will see a focus on improving public awareness in terms of outreach measures and reviewing the guide to the journey through the criminal justice system as well as continuing to develop and update guidance documents on the criminal justice system. We will also review the legislation behind the criminal injuries and criminal damage compensation schemes.

Theme 5: Gathering information and research on the experiences of victims and witnesses

- 13 This theme tackles the need for further research in relation to the experiences of victims of more serious crime, to help develop policy and services in this area (as well as the research which already exists). In the first two years, we will develop a methodology for gathering the experiences of victims of serious crime, while continuing to carry out the Northern Ireland Victim and Witness Survey. While the associated research will be delivered over the five-year period of the strategy, the initial pieces of research will focus on the experience of bereaved families and young people. During the rest of the strategy, we will carry out further research on avoidable attrition (where the victim or witness withdraws or retracts evidence) and underreporting of crime. We will also gather information on the experiences of victims and witnesses across each stage of the criminal justice process to allow the services provided to be assessed.

- 14 This substantial programme of work will be delivered by working with the criminal justice agencies and our delivery partners in the voluntary sector, and other organisations outside the criminal justice sector.

Introduction

- 15 Since the devolution of justice powers to the Northern Ireland Assembly on 12 April 2010, the Justice Minister has made improving services for victims and witnesses a priority for his Department.
- 16 Victims and witnesses of crime play a crucial role in the criminal justice process and we believe it is important that the criminal justice agencies (see note 2 at the bottom of the page) and our voluntary sector delivery partners (see note 3 at the bottom of the page) work closely together to deliver service improvements that will provide better quality services, that respond to the needs of victims and witnesses and that secure as positive an experience of the criminal justice system as is possible.
- 17 To help achieve this, the Minister is committed to working closely with the Justice Committee and has welcomed their report on a major inquiry it carried out into the criminal justice services available to victims and witnesses of crime in Northern Ireland, which was published in June 2012 (see note 4 at the bottom of the page). The Justice Committee's decision to make improving services to victims and witnesses the subject of its first major inquiry shows real political commitment to create a criminal justice system that responds to local needs. As the Justice Committee report stated, the co-operation of victims and witnesses in the criminal justice process is vital to achieving convictions and making sure that justice is seen to be done. The aim of this strategy is to make sure that we can achieve this. Central to this is treating all victims and witnesses with dignity and respect, delivering high-quality standards of service and making the system as smooth as possible.

Who is a victim or witness?

- 18 For the purpose of this strategy, we consider a victim to be a person who is directly the subject of a crime. It could also include:
- the **parent or guardian** of a victim aged under 18;
 - close family (which in most cases will be the next of kin) or family representative where the crime results in the death of that person or very serious harm or injury meaning that they can no longer communicate, including cases where the victim dies as a result of the crime or before the case comes to an end; or
 - a close friend (for example, where there is no close family and they are acting as a family representative).

² Criminal justice agencies, when we are referring to victims' and witnesses' services, means the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, the Northern Ireland Courts and Tribunals Service, the Northern Ireland Prison Service, the Probation Board for Northern Ireland and the Youth Justice Agency of Northern Ireland.

³ By voluntary sector partners we mean Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children (NSPCC). Victim Support Northern Ireland is a charity that helps people affected by any type of crime. It provides emotional support, information and practical help to victims, witnesses and others affected by crime. The NSPCC Young Witness Service provides support and information for those under 18 who may have to give evidence in court, either as a victim or as a witness. The service also aims to help parents and carers support their child through the court process.

⁴ NIA: 'Report on the Committee's Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime in Northern Ireland'. www.niassembly.gov.uk/Assembly-Business/Committees/Justice/Reports/Report-on--the-Committees-Inquiry-into-the-Criminal-Justice-Services-available-to-Victims-and-Witnesses-of-Crime-in-Northern-Ireland/

When we come to making legislation, it is likely that the victim will be the person directly affected by the crime. However, this may also cover other people as set out above. A victim is also likely to be a witness to the crime.

- 19 We consider a witness to be a person who witnesses a crime taking place, or can provide significant information about a case. Their evidence may help in apprehending a suspect or in the progression of court proceedings (see note 5 at the bottom of the page). Generally speaking this strategy relates to prosecution witnesses, rather than witnesses for the accused, broadly reflecting the current position in relation to providing services. Some special measures, such as intermediaries (providing help for those with significant communication needs), will apply to both prosecution and defence witnesses. Generally the terms victim and witness will not mean a person accused of a crime. **Appendix D** includes definitions for when a witness may be considered vulnerable or intimidated.

What this strategy aims to do

- 20 Reshaping our criminal justice system to build a safer Northern Ireland, with lower levels of crime, safer shared communities and improved access to justice for all is an ambition that we all share. While there have been a number of improvements in recent years within the criminal justice system, there is still more work to do. There have also been international developments aimed at improving the service provided to victims and witnesses of crime, not least the EU Directive on establishing minimum standards relating to the rights, support and protection of victims of crime (see note 6 at the bottom of the page). This not only improves services abroad but also challenges us to go further in the services we provide locally.
- 21 This strategy presents how the criminal justice system, working closely with its voluntary sector delivery partners, aims to deliver improvements for victims and witnesses over the next five years, from 1 April 2013 through to 31 March 2018. It is hoped that these, along with wider system reforms, will result in a criminal justice system that responds better to the needs of victims and witnesses, providing an easier journey through that system.
- 22 In developing the strategy, we have considered the views of victims and witnesses, and what they consider to be important issues. Those most consistently raised are:
- the need to be treated with dignity and respect and to feel valued at all stages of the process;
 - the need to receive accurate and timely information including what will be expected of them and what they can expect to happen;
 - the need for practical help and support throughout the process according to their needs;
 - the need for a better understanding of the process;
 - the need to be protected and feel safe; and
 - the need to build towards a personalised service where victims are treated as individuals and receive a service in line with this.

⁵ This can also include victims who are also witnesses, where they can provide information which is significant to the case and whose evidence may help in apprehending a suspect or in the progression of court proceedings.

⁶ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims. This is due to apply from November 2015.

23 In trying to achieve this, the overall aim of this strategy will be:

to provide better-quality services, which respond to the needs of victims and witnesses, and secure a more positive experience for those who have contact with the criminal justice system.

24 This aim is shared by the Minister, senior leaders in the criminal justice agencies and our voluntary sector delivery partners. It is particularly important in terms of improving the experience of victims and witnesses as they move through the criminal justice system and providing a high-quality service. It should also secure greater confidence in the system, increasing the likelihood that people will feel able to come forward to report crimes if they are properly supported in providing evidence that can be used to bring those responsible to justice. We want to make sure we have a culture in which victims and witnesses are treated with dignity and respect and their contribution is valued.

25 Our approach will be backed up by the following principles, which were approved by the Criminal Justice Board and confirmed with a wide range of interested people, including victims and witnesses and their representatives.

- | | |
|------------------------------|--|
| Proportionate | We should focus most attention towards those victims and witnesses with the greatest need, victims of the most serious crimes or the most vulnerable. |
| Continuity of service | The criminal justice system, acting together, will take responsibility for the service provided to victims and witnesses. It should be seen as seamless by those using the service. |
| Consistent standards | Services should be backed up by consistent and high-quality standards which should be informed by victims' and witnesses' needs and supported by relevant training. |
| Clear | Victims and witnesses should be aware of the standards they can expect if they have contact with the criminal justice system. This should include information on their rights as well as how they will be informed and when, and on important decisions. |
| Polite | Victims and witnesses should be treated with respect, dignity and sensitivity and should be offered choice, wherever possible, in how they receive information. |
| Efficient | A number of measures, including new technology, should be used to improve the way information is provided to victims and witnesses. |
| Equal access | All should have equal access to the justice system. |
| Accountable | Service providers should answer for the standard and quality of services provided to victims and witnesses of crime. |

What the strategy covers

- 26 We have already set out the definitions of victim and witness. Broadly speaking a ‘victim’ is anyone who is the subject of a crime. A ‘witness’ means those seeing such acts, or who can provide significant information on a case, and whose evidence may help in apprehending a suspect or in the progression of court proceedings. The strategy will include victims’ and witnesses’ contact with the criminal justice system from first reporting a crime through to the end of the case and beyond, given that some of the disposals available provide the opportunity for victim involvement after sentencing. The strategy does not deal with the civil justice system; nor does it contain specific actions in relation to victims of ‘the Troubles’, though all victims of crime are included. Victims of the Troubles will, therefore, be covered where they are also a victim of crime. Separate work on tackling the legacy of the conflict is being taken forward by the Office of the First Minister and Deputy First Minister and complements the work proposed through this strategy.
- 27 Victims and witnesses, and those who support them, quite understandably have high expectations of what the criminal justice system can deliver. In developing services to meet the needs of victims and witnesses, we want to make sure that we can deliver improved services, bearing in mind some of the limits on this. While the criminal justice system is ‘adversarial’ in its nature (in other words, it places the accused against the state, acting on behalf of the victim), we want to secure a better, smoother service for all. We also want to make sure that victims or witnesses feel that they are being treated as individuals, rather than simply as a ‘party’ to a case in the system.
- 28 Budgetary restrictions are another important factor. All government departments have to prioritise limited resources and make better use of these by targeting those areas where positive improvements are most needed and can be achieved.
- 29 However, despite these limits there is a genuine, shared determination across the criminal justice system to do as much as we can to improve the services and the experience for victims and witnesses. This will rely heavily on high-quality and effective partnership working at all levels between the criminal justice agencies, our voluntary sector partners and all those with an interest in supporting victims.

The journey of victims and witnesses

30. Research tells us that contact with the criminal justice system, either as a victim or as a witness, can be a daunting experience for many people, and especially for those who are most vulnerable. Victims and witnesses will often need to deal with a number of criminal justice agencies and other voluntary sector partners from the time they report the crime, through the police investigation, prosecution decision making, court process, sentencing, and beyond.

31. As a case progresses through the system, each organisation should make sure that the victim or witness receives the relevant information they need and that support is available at all stages of the process where necessary. However, we know that this does not always happen. Some victims and witnesses find it difficult to get information about the case they are involved in, find the process difficult to understand, feel unprepared for what lies ahead and often do not get the support they need to help them give best evidence or to help them emotionally. This new strategy aims to tackle these issues.

32. You can find a diagram showing the main stages of the victim's journey through the criminal justice system in **Appendix A**, which also provides an overview of the organisations that victims and witnesses may come into contact with and the different types of courts they may have to attend. You can also find more detailed information in the Department of Justice's guides to the criminal justice system in Northern Ireland (see note 7 at the bottom of the page).

⁷ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_victims_and_witnesses_of_crime.pdf and www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_bereaved_families_and_friends.pdf

Where this strategy fits in

- 33 On 12 March 2012, the First Minister and deputy First Minister published the Programme for Government 2011-2015. The Programme for Government identifies the Executive's main commitments, which include:
- tackling crime against older and vulnerable people by more effective and appropriate sentences and other measures;
 - reducing the level of serious crime;
 - improving community safety by tackling antisocial behaviour; and
 - improving access to justice.
- 34 The Department of Justice has also published a Corporate Plan for 2012-2015, which includes these commitments and sets out how they will be delivered under a series of strategic themes. These include:
- Safer, Shared Communities – working to help build communities with lower levels of crime and antisocial behaviour, where everyone's rights are respected, including examining the steps that can be taken to tackle problems at interfaces (a common boundary line between a predominantly Protestant area and a predominantly Catholic area); and
 - Faster, Fairer Justice – looking at how we can make sure that everyone in Northern Ireland has access to justice without undue delay, taking particular account of the needs of victims and witnesses.
- 35 Within each of the themes, we have developed a number of initiatives to make sure that we meet our priorities. It is important to recognise that we cannot consider each initiative alone. Each complements and is complemented by the others. This includes those that are designed to target more specific issues that in themselves will contribute directly or indirectly to improving how the criminal justice system responds to the needs of certain victims.
- 36 For instance, one of the main concerns voiced by victims and witnesses is the length of time it takes for cases to be dealt with through the criminal justice system. The **Speeding Up Justice Programme** is a multi-agency programme of work focused on reducing delay, with a particular emphasis on reducing, as far as possible, the stress caused to victims and witnesses by tackling inefficient processes or practices. This will see measures brought forward to manage cases more effectively, reduce the length of time criminal cases take and make sure we settle cases earlier. A number of legislative reforms are planned, through the forthcoming 'Faster, Fairer Justice' Bill, which will directly support the aims of this strategy.

- 37 The **Community Safety Strategy** also makes an important contribution to reducing crime, antisocial behaviour and the fear of crime as well as improving services for victims of crime. That strategy aims to help build:
- safer communities, with lower levels of crime and antisocial behaviour;
 - shared communities, where each person's rights are respected; and
 - communities where people feel safe and have confidence in the agencies that serve them.
- 38 The Community Safety Strategy, with its emphasis on prevention, including measures to tackle antisocial behaviour, is wider in scope than this strategy (which focuses on the victim or witness journey from the point a crime is reported through to the end of the post-sentence information schemes).
- 39 It recognises that public confidence in the justice system depends on agencies' response to crime and antisocial behaviour and to the support provided to victims, in particular those who are vulnerable to the effects of crime. The Community Safety Strategy includes specific outcomes for certain types of victims, such as victims of sexual violence and domestic abuse, those who have been subject to hate crime and older and vulnerable people. It aims to encourage greater reporting of crimes which are under-reported and to make sure that the specific needs of victims are met.
- 40 You can find a diagram showing how these strategies relate to the victim's involvement with the criminal justice system in **Appendix B**.
- 41 There are obvious connections between these other aspects of our work and the Victim and Witness Strategy. All of these strategies or programmes should contribute to safer communities, reduced levels of crime, fewer victims and quicker delivery of justice. Any measure that improves how the criminal justice system works should have a positive effect for those who, unfortunately, are on the receiving end of crime. Delivering the Victim and Witness Strategy effectively will mean we have to have the right links in place between all of these strands of work, so that everything we do supports our aim of **providing better quality services, which respond to the needs of victims and witnesses, and secure a more positive experience for those who have contact with the criminal justice system**.

Recent developments

- 42 In recent years, and particularly with the return of devolution, various positive developments have strengthened the range and quality of services provided to victims and witnesses of crime. Importantly, a new **code of practice for victims of crime** (see note 8 at the bottom of the page) was published in 2011. It sets out how victims can expect to be treated, how they will be kept informed and the available support services. The code of practice also works alongside **two guides** (see note 9 at the bottom of the page), published in 2010, which provide information on the journey through the criminal justice system. A **Victim Support Northern Ireland Local Services Directory** (see note 10 at the bottom of the page), is also available, providing details of a wide range of support providers across Northern Ireland.
- 43 A **Victims of Crime Fund** was launched in 2012, funded through an offender levy. This is a financial penalty attached to certain sentences and fixed penalty notices. Once fully rolled out, it could raise up to £500,000 each year. The fund will pay for projects that support victims and witnesses during their contact with the justice process, plus local initiatives working with victims of crime in the community. **Community Impact Statements** have also been introduced. These let a community state how a crime has affected them, when they are the indirect victim of a crime and a person pleads or is found guilty.
- 44 We have also introduced extra **support measures for vulnerable and intimidated witnesses** and we published '**Achieving Best Evidence**' guidance (see note 11 at the bottom of the page) in early 2012 to advise practitioners on how to help vulnerable or intimidated victims and witnesses provide their evidence. **Registered Intermediaries Schemes** are also being tested in Belfast Crown Court. These are aimed at helping those with communication difficulties to give evidence at court or during a police investigation.
- 45 The police also began a significant programme of change in 2010 that saw basic changes to how services are delivered for victims, witnesses, callers and customers. These changes centred on four main areas – ease of contact, the type of police response offered, police visibility and updating victims by providing follow up.
- 46 You can find more details on these recent developments, as well as links to the associated publications, in **Appendix C**.

⁸ www.dojni.gov.uk/code_of_practice_for_victims_of_crime

⁹ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_victims_and_witnesses_of_crime.pdf and www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_bereaved_families_and_friends.pdf

¹⁰ www.vshelp.co.uk

¹¹ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/abe_2012.pdf

The evidence base

- 47 In considering what more needs to be done to improve the experience of victims and witnesses, we have listened to victims and their representatives and looked to a number of sources that are available to us. We will continue to carry out further work in this area, to help us develop policy in the future and deliver services.
- 48 The Northern Ireland Victim and Witness Survey (see note 12 at the bottom of the page) was commissioned in 2008 to measure victim and witness satisfaction in the criminal justice system in Northern Ireland. In the initial survey, 65.3% of respondents reported that they were satisfied with the contact they had. A survey has been carried out each year since then with the most recent survey, for 2011/12, showing that 70% of respondents reported that they were satisfied with the contact they had (though the level of satisfaction among witnesses was higher than that reported for victims) (see note 13 at the bottom of the page).
- 49 The survey questionnaire, which is very wide-ranging, covers victims' and witnesses' experiences of the entire criminal justice process from the point when they first came into contact with the system right through to the post-sentence information schemes.
- 50 The most recent survey highlighted that victims and witnesses want to be better informed about progress in their case. In around a third of cases in 2011/2012 it had been over six months between initial police contact and hearing anything more about the case they were involved in. While the survey highlighted that most people are satisfied with the contact they have had with the criminal justice system, around a quarter were not satisfied with the outcome of the case they were involved in.
- 51 Inevitably, some victims and witnesses may disagree with the outcome of their case. However, this is not a matter that we or the criminal justice agencies have any control over, given that the judiciary needs to reach independent decisions. What we do control is making sure that victims and witnesses are properly treated as they follow their journey through the criminal justice system.
- 52 Survey results also show that around 70% of those asked had had no contact with victim support services.

¹² As the survey was carried out by phone, it was not felt appropriate to include victims and witnesses under 18 and those associated with cases involving certain types of offences such as sexual offences, domestic violence and offences involving a death.

¹³ The figure of 70% satisfaction represents the average across both victims and witnesses. Taken separately, satisfaction levels were 66% for victims and 74% for witnesses.

- 53 In terms of attendance at court, the survey highlighted concerns from just under half of those who responded about coming into contact with the accused or their family, while around 40% expressed concern about intimidating behaviour from the defendant or their family. There was also apprehension about the court process and being cross-examined.
- 54 We considered a wide range of sources in assessing the main challenges that the criminal justice system faces, in terms of victims and witnesses, and also what possible solutions there are. The sources included:
- the 2012 Justice Committee report;
 - the 2011 and 2012 Criminal Justice Inspection Northern Ireland reports;
 - reports from focus group meetings to see what victims feel is important and should be the focus of the strategy;
 - the Northern Ireland Victim and Witness Survey, capturing victims' and witnesses' views of crime;
 - responses to a range of consultations on victim and witness issues;
 - a 2011 report by Queen's University Belfast and the NSPCC on the experiences of young witnesses involved in criminal proceedings; and
 - good practice in other countries.
- 55 In terms of Criminal Justice Inspection there have been two relevant reports published, 'The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland: A thematic inspection' and 'The use of special measures in the criminal justice system in Northern Ireland' (see note 14 at the bottom of the page).
- 56 The report on the care and treatment of victims and witnesses recommended setting up witness care units to improve the information and support offered to victims and witnesses, bringing together the victim information schemes and further developing advocacy services. The report also recommended appointing victims' champions for the criminal justice organisations.
- 57 The report on special measures highlighted the need for an early individual assessment of needs and increased awareness among frontline staff. The main recommendations related to the need for a witness charter, clear information on what can be expected and a commitment to witnesses along with readily accessible detailed information on special measures. The inspection report also highlighted that a witness care unit would make sure regular updates are provided on cases.

¹⁴ <http://www.cjini.org/CJNI/files/c3/c3a0fb11-e230-4d73-97e9-002c200e277a.pdf> and <http://www.cjini.org/CJNI/files/e6/e684b2e9-231e-4c06-b496-5b744e10c0cb.pdf>

- 58 The strategy has also been informed to a large part by the Justice Committee's report on their 'Inquiry into the criminal justice services available to victims and witnesses of crime in Northern Ireland'. That inquiry was substantially informed by wide-ranging research, stakeholder engagement (discussion and meetings with victims and their representatives, taking account of their views) and consultation. The Justice Committee heard from a wide range of advocacy and victims' representative groups as well as individuals and families who, under very unfortunate and sad circumstances, found themselves coming into contact with the criminal justice system.
- 59 The report from the Justice Committee also echoed a number of the issues mentioned above. Other areas highlighted were the need for victims' entitlements to be provided for in law, increased accountability (people taking responsibility for their actions) across the criminal justice system and further research on victims' experiences to help improve services. The Justice Committee also repeated the need for clear and effective communication with victims and witnesses and stressed the importance of increased participation in the criminal justice system.
- 60 How we communicate is important and the EU Directive on establishing minimum standards on the rights, support and protection of victims of crime highlights similar issues which need to be tackled. While Northern Ireland is already thought to be largely meeting the requirements of the Directive, the position of victims, in terms of receiving services and rights, will be strengthened after the Directive is given effect.

Themes

61. In developing this new five-year strategy, we have heard opinions from a wide range of people and organisations. We have also benefitted from the analysis in the Justice Committee's inquiry report and the reports of the thematic inspections by Criminal Justice Inspection. A number of important messages came out of this and we have built the themes for this strategy around them. The themes are set out below.

- (1) **Status and treatment of victims and witnesses:** This reflects the need to change the position of victims and witnesses within the criminal justice system, making it more focused on them, and being clearer about what their entitlements are as a victim or witness.
- (2) **Communication and providing information:** Another recurring theme was the need for correct and timely information which is passed on effectively. Measures to improve communication across the criminal justice system, and with victims and witnesses, are central to improving their experience and satisfaction. This includes measures aimed at raising awareness of available services.
- (3) **Providing support and special measures:** Some people will need extra help based on their specific needs. The focus is on individual needs, assessing these early on, and setting appropriate standards of support.
- (4) **Getting involved and improved understanding:** This theme deals with the importance that victims and witnesses attach to making their views known and wanting to take an active part in the criminal justice process. It is also about improving public awareness and making sure there is up-to-date and accessible guidance. It also deals with the criminal compensation schemes and improving how these are delivered.
- (5) **Gathering information and research on the experiences of victims and witnesses:** This theme responds to gaps in the research which already exists. It also acknowledges that more in-depth research is sometimes needed to shape policy development and services.

62. For each of the themes, the following sections summarise the main issues, as well as setting out what we will do and desired outcomes. You can find details of when actions will be delivered in **Appendix E**.

(I) The status and treatment of victims and witnesses

- 63 Victims and witnesses play an important role in the criminal justice process. There is a moral responsibility to help victims. It is critical that victims and witnesses are supported to come forward and give evidence to prevent the offender from harming others.
- 64 The Northern Ireland criminal justice system, as in the rest of the UK and Ireland, has traditionally had an ‘adversarial process’ in criminal proceedings. This means that on one side are those representing the person accused of a crime (defence). On the other are those presenting the case against the accused (prosecution). As this system focuses on the two sides, victims have often felt left outside the system. Indeed, some consider that they are no more than bystanders to the process.
- 65 Much has been done to improve the treatment of victims and witnesses within the criminal justice system in recent years, by developing policies and procedures across and within organisations. Efforts have been made to improve the front-line services delivered to victims of crime and those who support justice by giving evidence. The position of victims, in particular, was given important recognition in the Hillsborough Agreement of February 2010 and a new code of practice for victims of crime was launched in March 2011.
- 66 However, further work is needed to give those who come into contact with the criminal justice system greater clarity on how they will be treated, the services that will be provided and how they can complain if they are not satisfied. While some of the factors affecting this are not always within our control, or the control of other criminal justice agencies, much can be done to improve the current situation. We need to make sure that, as far as possible, we set out information and entitlements in a concise, accessible and user-friendly way. It will also be important that there is enough publicity surrounding this to make sure that victims and witnesses are aware of the standards of service that they can expect to receive.

What we will do

- In the ‘Faster, Fairer Justice’ Bill we will provide for a statutory victim charter, setting out how victims of crime should be treated and the standards of service to be provided by the central organisations within the criminal justice system. Broadly speaking the victim charter will cover:
 - being treated politely, and with dignity and respect;
 - being informed or offered information about appropriate services available to victims of crime;
 - being informed on the progress of the case a victim is involved in and the reasons for any delay at key milestones, in line with the timescales set out in the charter;
 - being informed about the reasons for a decision not to prosecute, in relation to the case a victim is involved in, in line with the timescales set out in the charter;

- being given extra support if a victim is vulnerable, intimidated or under the age of 18;
 - being informed about how to claim compensation and receive support in making a claim, if a victim says that they want to make this type of claim;
 - being informed about the outcome of the case a victim is involved in, in line with the timescales set out in the charter;
 - being informed of the right to receive information when an offender is released from custody, a mentally ill offender is released from hospital or an offender is being supervised in the community in line with the timescales set out in the charter;
 - being able to complain to an independent body if a victim is not satisfied with how an organisation has dealt with their concerns;
 - responding better to the needs of bereaved families and making sure that their entitlements reflect those of other victims; and
 - setting out clearly the key milestones at which information will be provided, the timescales for providing this information and how it will be provided and who has responsibility for providing it.
- We will actively work towards making sure that the victim charter is in line with the provisions in the EU Directive which sets minimum standards on the rights, support and protection of victims of crime.
 - We will develop a statutory witness charter, which will include standards for waiting times in court.
 - We will take steps to make victims and witnesses more aware of the standards of service they should receive, by publicising the victim charter and witness charter.
 - We will actively work towards making sure we are in line with wider national and European developments (including EU directives) in terms of how victims and witnesses are treated.
 - We will be more responsive to victims' needs, in terms of tackling problems and issues that arise outside of the formal methods of making complaints.
 - We will review the current independent methods of dealing with complaints. This will make sure that complaints that have not been satisfactorily dealt with through the internal complaints procedures of each criminal justice organisation can be more easily dealt with.
 - We will make sure that all staff in the criminal justice organisations who have contact with victims and witnesses have been given training, relevant to their roles, on the care and treatment of victims and witnesses.
 - Each of the criminal justice organisations will reflect their commitment to improving the services provided to victims and witnesses by including specific actions in their corporate and business plans. This will include an aim relating to victim and witness satisfaction.

- Each criminal justice organisation will have measurable standards and each year they will monitor and assess how services are delivered to victims and witnesses, and their satisfaction levels. These results will be published.
- In setting standards, agencies will agree a minimum standard that should apply across all criminal justice agencies.
- We will continue to work together, as a service, to make sure the progression of cases between organisations is as smooth as possible and that victims and witnesses are clear about who they can contact to deal with any problems.

Desired outcomes

- Victims and witnesses will feel that they are involved in the criminal justice process.
- The contribution of victims and witnesses will be recognised and valued.
- Victims will feel more confident in reporting a crime.
- Victims and witnesses will be more likely to contact the system if there is another incident.
- There will be an improved experience of the system for victims and witnesses.
- Victims and witnesses should have a clearer understanding of what they are entitled to.
- There will be more transparency and openness about service standards that victims and witnesses can expect.
- Services for victims and witnesses are based on recognised good practice.
- There will be more opportunities for victims to take part in restorative interventions (see note 15 at the bottom of the page).

¹⁵ Restorative interventions give victims the chance to tell offenders the real effect of their crime, get answers to their questions, and get an apology. Offenders are held to account for what they have done, helped to understand the real effect of what they've done and take responsibility and make amends.

(2) Communication and providing information

- 67 How we communicate with victims and witnesses, both in terms of the information we pass on and also how we do so, has been a recurring theme throughout reports, research papers and focus groups. Without the co-operation of victims and witnesses in the criminal justice process we lessen the chance of getting convictions and so lessen the chance that justice is seen to be done for the victim. We also know from research that not having correct and timely information, coupled with an often limited knowledge of the criminal justice process, can cause victims a lot of unnecessary anxiety and worry. Indeed, in some cases the crime goes unreported because the victim does not believe contacting the criminal justice agencies will be a positive experience. It is vital that we make a change in this area.
- 68 Satisfaction in the system is influenced by how victims have (or believe they have) been treated, as well as the outcome of the case they are involved in. Satisfaction as measured by the Northern Ireland Victim and Witness Survey shows an increase in satisfaction from 65.3% in 2008/2009 to 70% in 2011/2012. Despite this, we still need to instil greater confidence in the system if we are to encourage victims to report crime and be satisfied with their experience.
- 69 Not surprisingly then, a concern for most victims and witnesses is the quality and timeliness of information provided, the way in which the information is passed on and the way that they are treated during their time in contact with the system. While research tells us that most victims and witnesses who were surveyed expressed satisfaction with their experience of the criminal justice system, we have also heard of instances where they have felt confused and ill-informed about what is happening with the case they are involved in. Some have told us how difficult they found getting information; for others they felt undervalued and for some they found the whole process confusing and difficult to understand. As a result, improving communications between the criminal justice agencies, victims and witnesses and also between the criminal justice agencies themselves is central to improving the victim and witness experience and their satisfaction with the criminal justice system. This will include finding what gaps there are in the information which is already provided and recognising that individuals will have different needs.

What we will do

- We will set up a victim and witness care unit (VWCU) to provide a single point of contact for as much of the criminal justice process as possible.
 - There will be one member of staff responsible for the case from when it enters the system.
 - The unit will carry out an individual assessment of the needs for services of each victim at important points as the case progresses.
 - Information will be provided in a way chosen by the witness, where possible.

- The unit will contact the victim when the Public Prosecution Service (PPS) receive the file or investigation file and will stay in contact with them until after the end of the court case. This will include information and support after conviction, if the accused appeals.
 - The unit will provide information on the outcome of bail hearings in Crown Court cases.
 - There will be an immediate referral to services provided by voluntary or non-government organisations when this is appropriate.
 - The unit will carry out checks to make sure that vulnerable and intimidated victims and witnesses are properly supported and the appropriate applications for special measures are made.
 - The unit will work with the Probation, Prison Service, and Mentally Disordered Offenders information schemes.
 - The unit will give information to victims on bail conditions set by the court, where available, including any significant changes to these.
- We will introduce clearly defined communication procedures, setting out the information that should be given to victims and the associated timescales for each criminal justice organisation. This will build on the standards of service set out in the victim charter and make sure that:
 - the key milestones in the criminal justice process at which information will be provided and the timescales for providing it will be clearly set out;
 - there will be an active approach to providing information at each key milestone;
 - the information provided will be tailored to the needs of the individual; and
 - there will be an opportunity for individuals to ask for clarification and more information at any stage of the process.
 - We will produce an easy to understand flowchart setting out the various stages that a case may go through. This will be given to victims and relevant witnesses at an early stage in the process to help them understand the criminal justice system.
 - We will review how the post-sentence victim information schemes (the Prisoner Release Victim Information Scheme, the Probation Board for Northern Ireland's Victim Information Scheme and the Mentally Disordered Offenders' Victim Information Scheme) are operated.
 - We will continue to develop technical solutions to improve the provision of up-to-date information to victims and witnesses about the progress of the case.
 - We will listen regularly to the views of victims and witnesses and involve representative organisations as we look at better ways to communicate information. This will include providing information in a suitable format for people with disabilities and children.

Desired outcomes

- A more seamless service will be provided to victims and witnesses of crime.
- Victims and witnesses will know what to expect when they contact the criminal justice system.
- Victims and witnesses will have their needs assessed at an early stage and throughout the process.
- Victims and witnesses will be better informed about the progress and outcome of the case they are involved in, with information more readily provided at key milestones.
- Victims and witnesses will have easier access to information and help through a named contact.
- Clearer, simpler and more concise communications will be provided by the criminal justice system.
- Victims and witnesses will be given information in an accessible and easy-to-understand format.

(3) Providing support and special measures

- 70 It is important that victims and witnesses of crime have access to a range of support services that provide practical help and, where necessary, that they are helped to get emotional and psychological support. Some criminal proceedings, particularly for the more serious crimes, can last years so it is important that support is in place to help victims and witnesses for the time they are in contact with the criminal justice system.
- 71 We also recognise that it is important that the support offered to victims and witnesses is tailored to each person's needs as much as possible. Crime can affect different people in different ways. Carrying out an early assessment of need, and reviewing those needs at different stages, can identify specific needs and mean that extra support can be directed to the most vulnerable. It should take into consideration the seriousness of the offence, or vulnerability of a particular victim or witness, or a combination of both. We believe that, wherever possible, support should be available from the point when a victim or witness comes forward and should continue throughout the investigation, the trial and beyond if necessary. Some victims and witnesses may just need help with accessing practical help such as translation or interpretation services.
- 72 We understand that some victims and witnesses will find providing evidence more difficult than others, for instance due to having communication difficulties, suffering from mental-health problems, because of their mental capacity or as a result of intimidation. Children are also likely to need extra help. In these circumstances, the criminal justice system wants to make sure that people are supported in giving the best evidence that they possibly can. Without this, there is a risk that some in society would otherwise be unable to take part actively in securing justice where a crime has taken place.
- 73 A range of 'special measures' are in place to help vulnerable and intimidated witnesses give evidence in court. You can find more information on who may be considered to be a vulnerable or intimidated witness in **Appendix D**. Broadly speaking, it includes children, people with learning or physical disabilities or communication difficulties, those with mental-health issues, victims of sexual or domestic violence or witnesses to murder.
- 74 In these cases, a witness may need extra support and measures to help them give their best evidence in court. This could include things like screening the witness in the court room, giving evidence in private or via 'live-link' from outside the court room, video-recorded evidence sessions and communication aids. You can find more information on the types of measures available in **Appendix D**, and in our guides to the criminal justice system (see note 16 at the bottom of the page).

¹⁶ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_victims_and_witnesses_of_crime.pdf and www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_bereaved_families_and_friends.pdf

- 75 Many victims and witnesses find the thought of going to court daunting. So, it is important that services are available, for example, to support victims and witnesses while at court and to reduce, as far as possible, any contact with offenders within the court premises where the criminal proceedings are carried out. The Victim Support Witness Service and the NSPCC Young Witness Service already provide a range of support for victims and witnesses attending court, such as pre-trial familiarisation visits and separate waiting areas for witnesses.
- 76 For some victims and witnesses, special measures may also be needed to make sure the risk of psychological or emotional trauma is reduced as far as possible during questioning or when testifying. The help needed will be decided by assessing the victim's or witness' needs and in discussion with them, as long as the judge agrees. The concerns and fears of the individual in relation to proceedings will be a central factor in deciding whether to apply for any further measures.
- 77 The need to make sure that measures are put in place for victims to reduce further victimisation is part of the EU Directive on establishing minimum standards on the rights, support and protection of victims of crime. The European Commission has also stated that certain victims may be particularly vulnerable and so have specific needs (see note 17 at the bottom of the page).

What we will do

- We will introduce a formal needs assessment process to:
 - identify the particular needs of individual victims and witnesses in relation to special measures and other support needs at the earliest stage; and
 - review these needs, as necessary, as the case progresses.
- We will improve our understanding of gaps in support services for victims of serious crime and those who are vulnerable or intimidated.
- We will develop a guide to working with intimidated witnesses for police and criminal justice system practitioners.
- We will explore the scope for better ways of sharing victims' information between the criminal justice organisations and also with our voluntary sector delivery partners. We will take this action forward after consulting the Information Commissioner's Office and we will take account of their code of practice on data sharing.
- We will continue to fund community, witness and compensation support services for victims and witnesses of crime.
- We will take action to tackle the specific issues raised in the Justice Committee's inquiry report in relation to particular groups of victims and witnesses.

¹⁷ European Union document "Communication from the Commission to the European parliament, the Council, the Economic and Social Committee and the Committee of the Regions – Strengthening victims' rights in the EU (10612/11)".

- We will explore how providing remote live-link facilities, based on the NSPCC Young Witness Service pilot model, can be extended across Northern Ireland to give victims and witnesses access to these facilities within a reasonable travelling distance.
- We will evaluate the facilities currently provided for victims and witnesses in all courthouses with the aim of identifying specific improvements that can be made to provide comfortable facilities for victims, witnesses and bereaved families.
- We will examine the way services for victims and witnesses are managed in courthouses and make sure we take a collaborative approach with the new Victim and Witness Care Unit.
- We will work to reduce waiting times at court for victims and witnesses and to improve communications with them as a method of tackling concerns in this area. Together with other important stakeholders we will work to:
 - develop standards for the maximum length of time that witnesses should expect to have to wait to give evidence;
 - tell witnesses as quickly as possible if the case cannot be heard on the day;
 - give witnesses an idea on the day of how long they will have to wait before giving evidence and update them regularly; and
 - give witnesses reasons for delay if they have to wait longer than expected.
- We will evaluate the current pilot exercise for special listing arrangements in domestic violence cases and use this to help us with any further developments in this area, including managing the cases of young witnesses.
- We will develop advocacy services to support victims in accessing the services and information that they need from the criminal justice system.
- We will put in place registered intermediaries schemes to help vulnerable victims, witnesses and defendants with significant communication difficulties to provide evidence.
- We will continue to update the Achieving Best Evidence Guidance to make sure that we promote good practice when interviewing victims and witnesses to allow them to give their best evidence in criminal proceedings.
- We will make sure that victims and witnesses who are eligible for special measures are being identified at an early stage and applications made to the court in all appropriate cases.
- We will begin video-recorded cross-examination and re-examination of victims and witnesses as set out in Article 16 of the Criminal Evidence (Northern Ireland) Order 1999.
- We will further explore and take action to tackle the concerns victims and witnesses have about going to court.

Desired outcomes

- Victims and witnesses will have their needs assessed at an early stage and throughout the process.
- Criminal justice organisations will be aware of the individual needs of a victim or witness who has had contact with the system.
- Victims and witnesses who need specialised or extra help will receive it.
- Victims and witnesses will have the opportunity to access appropriate support services, which will help deal with the effects of crime and help them take part in the criminal justice system, if this is what they want.
- Victims and witnesses will have more support and a better experience of the criminal justice system.
- Victims and witnesses will be able to give better evidence in court.
- Victims and witnesses will feel more confident in reporting crime.
- The needs of people affected by crime will be highlighted, with the aim of improving services to victims and witnesses.
- Improved facilities and services for victims and witnesses will be provided where possible.
- We will reduce the waiting times at court.
- There will be improved access to, and availability of, special measures.

(4) Getting involved and improved understanding

78. It is important that any victim or witness feels that they have had the opportunity to take a full part in criminal proceedings relating to their experience. The EU Directive on establishing minimum standards on the rights, support and protection of victims of crime reflects the need for a victim to have the opportunity to provide initial and further information, views and further evidence during criminal proceedings. Giving the victim of the crime the opportunity to make their views known and to contribute to the decision-making process is important, since victims sometimes feel their voice is unheard and that they are marginalised by the criminal justice system.
79. In the past, although victims could make victim impact statements and victim impact reports could be submitted to the court, there was no clear process for doing this. We are now standardising this approach. We will provide leaflets and guidance for anyone wanting to make what will now be referred to as a victim personal statement (see note 18 at the bottom of the page). The purpose of the victim personal statement is to give individuals the opportunity to describe to a judge the effect that a crime has had on them. The expert victim impact report provides a specialist opinion on the traumatic effect of a crime on the victim and any needs arising from this.
80. One other issue raised during the Justice Committee inquiry, in terms of involving victims and witnesses, related to compensation. For some victims they feel that the compensation process is their only way of being involved in the criminal justice system. Providing access to compensation to victims of crime is one way of giving them support which can help them to recover and move on. While money can never fully compensate for the injuries and hurt suffered by the victims of violent crime, it can be seen as recognition of public sympathy. However, it is important that the compensation schemes are fit for their purpose and are delivered as efficiently and effectively as possible.
81. More generally, much has been done in recent years to improve the public's understanding of the criminal justice system. We have produced information leaflets (in a variety of languages) providing advice and contact numbers for support services, such as those offered by Victim Support Northern Ireland and the NSPCC. Victim and witness information is available online at www.nidirect.gov.uk and provides a step-by-step guide on how the criminal justice system operates. Each agency also has its own website containing a range of useful information and we have produced a separate guide to the criminal justice system and, again, this is available to download at www.nidirect.gov.uk.
82. Despite this, a lack of understanding of the system is something that is consistently raised as an issue. The Justice Committee and Criminal Justice Inspection heard that victims sometimes felt very separate from the criminal justice process. Clearly more still needs to be done.

¹⁸ A leaflet and guidance for making a statement will be made available at www.nidirect.gov.uk/vps

What we will do

- We will promote the use of victim personal statements, expert victim impact reports and community impact statements to make them a standard part of the criminal justice system.
- Through the 'Faster, Fairer Justice' Bill, we will give victims a legal right to have the opportunity to make a written victim personal statement, if a person pleads or is found guilty.
- We will carry out a review of the Criminal Injuries and Criminal Damage Compensation Schemes.
- We will tackle operational issues highlighted in the Justice Committee's inquiry report with the aim of improving how compensation schemes are delivered.
- We will develop accessible outreach measures promoting greater public awareness of the services and information available to victims and witnesses and the experiences and views of victims.
- We will continue to develop our outreach programme to schools and look at what other groups might benefit from going to similar outreach events such as older people or those with disabilities.
- We will review the online victim and witness guidance on the nidirect website and consider how we might better promote their use.
- We will continue to develop and update criminal justice guidance documents such as our information leaflets, the Guide to Northern Ireland's Criminal Justice System for victims and witnesses of crime and the Guide to Northern Ireland's Criminal Justice System for bereaved families and friends following murder or manslaughter.
- We will continue to involve appropriate representative organisations and encourage them to be involved with the system

Desired outcomes

- Victims will be able to tell the court how the crime has affected them personally and in what way.
- Victims will feel that their views have been heard.
- Victims will feel that they have had increased involvement in the criminal justice process.
- Victims will consider that the way criminal justice compensation schemes operate is effective and efficient.
- Victims and witnesses will have a better understanding of their role in the criminal justice system.
- There will be less unreported crime.
- Everyone will have equal access to justice.

(5) Gathering information and research on the experiences of victims and witnesses

- 83 Central to delivering a more positive experience for those victims and witnesses who have contact with the criminal justice system is listening to the experiences of those who have already come into contact with the system.
- 84 The Northern Ireland Victim and Witness Survey was first carried out in 2008. This has provided a useful source of information during the four years of the survey and an insight into the experiences of victims and witnesses as they journey through the system. However, the survey does not include victims and witnesses under the age of 18 or those associated with certain types of serious crime, such as sexual offences, domestic violence and offences involving a death. This is because the method used – a telephone survey – is not considered an appropriate way of approaching those who are likely to be more vulnerable.
- 85 We also funded specific research on the ‘Experience of Young Witnesses in Criminal Proceedings in Northern Ireland’, which was carried out by Queen’s University Belfast and the NSPCC. The report identified areas to be tackled including delays in the process, the information and support offered to victims and witnesses, arrangements for victims and witnesses at court and the need to introduce intermediaries.
- 86 We also aim to learn from our experiences in developing restorative approaches, such as youth conferencing, and to support their wider use to reduce the number of people who become victims of crime again.
- 87 We realise that this still leaves a lack of information on a range of serious crimes and also in relation to the performance of specific criminal justice organisations. We will develop a wide-ranging research programme working together with justice agencies, voluntary sector partners and other government organisations. There will be a greater focus on those who are most vulnerable either because of the type of offence or the individual’s disabilities or other needs – and the wider effect of serious crime. Improving the availability of detailed research will no doubt identify further issues that we need to tackle and take account of when developing policy in the future. In taking this forward, we will want to involve not only victims and witnesses of crime but also others with an interest and representative organisations.

What we will do

- We will develop and put in place a method of collecting the experiences of victims of serious crime. This will include the experience of those bereaved through murder or manslaughter, victims of domestic violence or abuse, sexual violence, hate crime and the nature and type of crime against children.
- We will carry out further research and analysis to provide a clearer understanding of underreporting of crime as well as how avoidable attrition (that is, where a victim or witness withdraws or retracts their evidence) can be reduced and victims and witnesses better supported.
- We will gather information on the experiences of victims and witnesses across each stage of the criminal justice process to allow the services provided by the various criminal justice organisations to be assessed and particular issues identified and dealt with where necessary.
- Our voluntary sector delivery partners will share feedback, research, case studies and other learning with us to help us develop our policy and services.
- We will continue to carry out the Northern Ireland Victim and Witness Survey.
- We will review the effect of the youth conferencing process on victims.

Desired outcomes

- We will have a better understanding of the experience of all victims and witnesses.
- Victims and witnesses will feel that they have contributed to developing policy and practice and improving services.
- We will make informed decisions when developing new policies, with the views and experiences of victims and witnesses being used to develop policy and services.
- Victims and witnesses will have a better experience of the criminal justice system.

Delivering our aims

- 88 This strategy sets out what we plan to do over the next five years (April 2013 to March 2018) to create a more positive experience for victims and witnesses of crime. We will prepare action plans to make sure that there is a clear focus on what needs to be done, by whom and in what timescale. We will publish these and there will be clear targets for completing all our actions. We will also review them at the end of each year and publish a report on the web (www.dojni.gov.uk/). This will allow us to monitor how the actions in the strategy are put into practice.
- 89 We will promote the strategy through our partnership networks to help victims and witnesses gain a better understanding of the criminal justice system and the services available. We will also use these networks to continue to listen to victims and witnesses and will, where necessary, update our plans to reflect any change in circumstances or to take account of relevant developments elsewhere, such as future European directives.
- 90 Day-to-day responsibility for delivering the actions in the new strategy will lie with the multi-agency Victim and Witness Steering Group which the Department will chair. The steering group is made up of representatives of the main criminal justice agencies (the Police Service of Northern Ireland, the Public Prosecution Service, the Northern Ireland Prison Service, the Probation Board for Northern Ireland, the Youth Justice Agency, the Northern Ireland Courts and Tribunals Service and the Department of Justice) and our main voluntary sector delivery partners, Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children. Both organisations provide an invaluable insight into the concerns of adult and child victims and witnesses.
- 91 The steering group will create the action plans to put the main strands of the strategy into practice. They will also monitor progress and regularly report to the Minister through the Criminal Justice Board, which is responsible for setting our planned direction and monitoring overall performance.
- 92 Given the importance of working together to deliver this strategy, we will review membership of the group to make sure the group represents all the main delivery agencies. Where appropriate, we may also allow members from other organisations whose expertise has a relevant bearing on a particular issue we are developing to be part of the group. We may also set up temporary sub-groups to take forward certain issues.

Resources

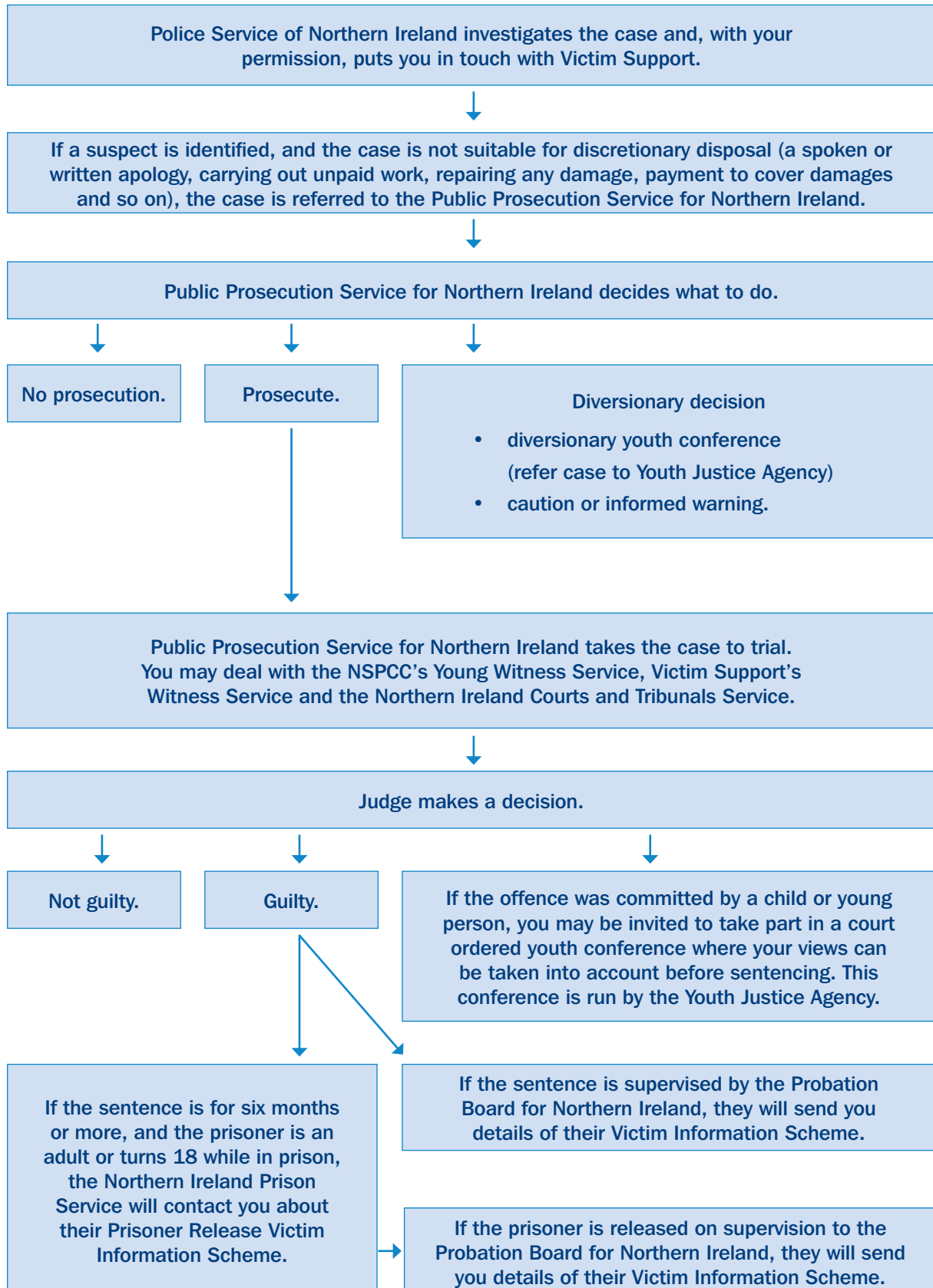
- 93 Delivering improved services for victims and witnesses efficiently and effectively will rely heavily on the quality and effectiveness of working in partnership at all levels between criminal justice organisations, our voluntary sector partners and those with an interest in supporting victims. Prioritising available resources to target those areas where positive improvements are most needed will be essential.

Delivery priorities

- 94 The first action plan under the five-year strategy covers what is to be delivered during years one and two, that is 2013/2014 and 2014/2015. We plan to deliver almost three-fifths of the actions (30) contained in this strategy during the first two years, while laying the foundations for the other actions.
- 95 **Appendix E** sets out each of the main themes we will deliver in the five-year strategy and shows when we will do this, in other words, during the first two years or during years three to five.
- 96 The appendix also flags which of the actions are linked to the recommendations in the Justice Committee's report. While all of the Justice Committee's recommendations have been accepted, or accepted in principle, some of these will be taken forward using methods other than this strategy, such as the Speeding Up Justice Programme or the Community Safety Strategy.

Appendix A

Victim's journey through the criminal justice system



The one-page journey map through the criminal justice system on the previous page provides a high level overview of the most common stages of the process, although this may not apply in all cases.

You can find more information on each of the organisations referred to in this Appendix on their websites and also in the guides to the criminal justice system published in 2010 (see note 19 at the bottom of the page).

Reporting the crime

The police (see note 20 at the bottom of the page) take crime seriously and victims and witnesses can expect to be treated with dignity, sensitivity and respect. The police can also let victims and witnesses know about the support services available, such as those offered by Victim Support Northern Ireland (see note 21 at the bottom of the page) and the NSPCC (see note 22 at the bottom of the page).

Once a crime has been reported, the police investigating officer will usually give the victim their details on a contact card. The police will also update the victim when someone has been arrested in connection with the crime and, if charged, they will give the victim details of their first court appearance. As part of the process of gathering evidence, the police will ask the victim to provide a written signed statement. If a victim or witness is considered to be vulnerable or intimidated, they may be eligible for what are known as 'special measures'.

Suspect identified – Police referral to the Public Prosecution Service

The Public Prosecution Service for Northern Ireland (PPS) (see note 23 at the bottom of the page) is the prosecuting authority for Northern Ireland. It is independent from the police and from the Government. When the police investigate a crime, they send the case file to the PPS if the evidence shows that a crime may have been committed and a suspect is identified (unless the matter is suitable to be dealt with using a victim-focused alternative to prosecution such as apologising to the victim or paying for damage, in which case, the investigating officer will let the victim know how that is progressing). This will include witness statements and other evidence. Victims should be told, after three months, if it has not been possible by that point to identify someone for the crime committed.

PPS decision on the way forward

The PPS makes a decision on whether or not to prosecute people for committing crimes. The decision to prosecute is based on the '**Test for Prosecution**'. This is a two stage test:

1. **The Evidential test** – is there enough evidence to give a reasonable prospect of conviction?; and
2. **The Public Interest test** – is it in the public interest to prosecute?

The first stage test must be satisfied before the second stage test is considered. If the PPS prosecutor decides that there is enough evidence to prosecute an individual, and that it is in the public interest to do so, the PPS prosecutor will prepare the case papers and will prosecute the case at court. The PPS will let the victim of the case know about the prosecution decision and the outcome of the case.

¹⁹ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_victims_and_witnesses_of_crime.pdf and www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_bereaved_families_and_friends.pdf

²⁰ www.psnj.police.uk

²¹ www.victimsupportni.co.uk/

²² www.nspcc.org.uk/

²³ www.ppsni.gov.uk

Appendix A (continued)

If there is not enough evidence, a suspect has not been identified or prosecution is not believed to be in the public interest, a prosecution will not be taken forward. Lack of evidence is the most common reason for this. If the PPS decides not to prosecute the case, they will write to the victim and explain the reason for this. The victim can contact the PPS if they want more information.

The PPS prosecutor may decide that another route is more appropriate. This could take the form of one of the following.

- **Informed warning:** This is a formal reprimand by the police, and although it is not a conviction, it is recorded on the person's criminal record for 12 months.
- **Caution:** This is similar to the informed warning but is recorded on the person's criminal record for five years (adult) or two and a half years (young person).
- **Diversionary youth conference:** This is for cases when there is no prosecution but the PPS decides that a full conference with the victim should be offered. This is available for any offence carried out by someone under the age of 18 when they admit guilt and agree to the conference. The case is referred to the Youth Justice Agency (see note 24 at the bottom of the page), working along with the police and the PPS. The victim can choose to take part or not. A diversionary plan will be agreed for what the offender will do to make amends to the victim, repair the harm and take steps to stop offending. It is not a conviction but is recorded on the young person's criminal record for two and a half years. A youth conference is for cases which are prosecuted in court. It is similar to the diversionary youth conference. However, a court youth conference plan (as opposed to a diversionary plan) is a conviction.

Prosecution

If a decision is made to prosecute, the case can be commenced in one of two ways.

Charge sheet: This involves the police charging an arrested suspect. The PPS will have reviewed the charge before the first court appearance to make sure that there is enough evidence at that stage for the person to be prosecuted.

Summons: This involves the PPS issuing a summons on the defendant (by post or in person).

Taking a case to court

If the PPS decide to prosecute, they will take a case to trial at court. If the defendant pleads guilty to the offence, the victim or witness will not have to go to court or give evidence. If the defence agrees a victim's or witness' evidence the statement will just be read out in court without them having to give evidence in person.

Witnesses are not called for the first court appearance.

²⁴ www.youthjusticeagencyni.gov.uk/victims/

If a defendant pleads not guilty, or pleads guilty but denies an important part of the offence which would make a difference to their sentence, the court will need to hear evidence from witnesses to decide if the accused person is guilty. The PPS will let all witnesses know the date that the case is to be dealt with (having first contacted them to find out what dates suit them), will give them information about going to court and can refer them to Victim Support Northern Ireland if they agree.

The PPS can also apply to the court for ‘special measures’ to help a witness to give their best evidence. You can find more information on special measures in **Appendix D**.

Types of courts and associated offences

There are various types of courts located across Northern Ireland (See <http://www.courtsni.gov.uk>). The types of court are set out below.

Court	Criminal cases heard	Heard by	Where
Magistrates’ court (including youth courts and seven family proceedings courts)	Hears most criminal offence cases and family cases and some civil cases. Most criminal cases are dealt with here, including the initial examination of Crown Court cases. Generally they do not deal with more serious crime such as rape and murder.	There are currently 21 district judges (magistrates’ courts).	Magistrates’ courts are held at 19 places in Northern Ireland.
County court	These are the main civil courts. They hear a wide range of civil actions including small claims and family cases. They also hear appeals from criminal cases from the magistrates’ court.	There are currently 17 county court judges and four district judges.	County courts are held at 19 places in Northern Ireland.
High court	Hears complicated civil cases and appeals from county courts and also complicated family cases.	The Lord Chief justice, three lord justices of appeal and 10 high court judges.	Royal Courts of Justice Belfast.
Coroner’s court	A coroner’s court will hear inquests into some deaths that are reported to the coroner.	There is a presiding judge of the coroners court, a senior coroner and two full-time coroners.	Based in Belfast but inquests may be held in any of the regional courts.

Appendix A (continued)

Court	Criminal cases heard	Heard by	Where
Crown Court	Hears all serious criminal cases.	Either county court judges or high court judges depending on the type of case.	Crown Courts are held at seven main places in Northern Ireland and there are a further six courts where Crown Court cases may be held.
Court of appeal	Hears appeals in criminal matters from the Crown Court and civil matters from the high court. It also hears appeals on points of law from other lower courts.	The Lord Chief Justice, three lord justices of appeal (the high court judge can also be a member of the appeal panel).	Royal Courts of Justice Belfast.

Court outcomes

If the case is dealt with at court, the judge (in magistrates' court cases) or jury (in Crown Court cases) will decide whether the defendant is guilty or not guilty.

If the defendant is found not guilty, they are free to leave court and the case is over.

If the defendant is found guilty, the judge will pass a sentence. There are a range of sentences that can be imposed. The judge will decide what is the most appropriate sentence based on all the circumstances of the case.

The sentences available are:

- **custodial sentence** – a period of time in prison;
- **suspended sentence** – a period of time in prison, but not to take effect unless the defendant reoffends within a set period;
- **probation order** - an agreed plan between the offender and the court about the offender's future behaviour (it can last from six months to three years);
- **community service order** - this requires the offender to do unpaid work in the community;
- **fine** - the offender has to pay a fixed amount and failure to do so could result in a prison sentence;
- **conditional discharge** - the defendant is free from any punishment as long as they do not commit any further offences during the time stated by the court (could be up to three years); and
- **absolute discharge** - the defendant is released with no punishment or penalty.

There are variations on these sentences which apply to young people.

Victim personal statements, expert victim impact reports and community impact statements

There are a number of ways in which victims of crime (either the direct or indirect victim) can advise a judge on the effect of the crime. A victim personal statement allows a victim to say how a crime has affected or continues to affect them when a case goes to court and a person pleads or is found guilty. It will tell the judge what harm the crime has caused them. It also lets a victim get their view across, which can help with their welfare.

An expert victim impact report is prepared by a professional or expert in a particular field (such as a psychologist or psychiatrist, for example). It will set out how a crime has affected or continues to affect a victim, when a case goes to court and a person pleads or has been found guilty. It can reflect a range of effects on the victim, be it physical, emotional, psychological, social, financial and so on.

A community impact statement allows a community to say how a crime affects, or has affected it, when a case goes to court and a person pleads or is found guilty. This was introduced at the end of January 2013. It is intended to be used for an incident which has had a significant effect on a community and has damaged public confidence.

Where a statement or report is provided it would only be considered by the judge after a conviction and before sentencing. The statement will be made available to the judge, the prosecution, the defence legal representative and the defendant.

Sentencing

Sentencing is a matter for judges, acting independently. There are a range of sentencing options available to judges. Judges will take account of all relevant circumstances of the case, sentencing guidelines and previous decided cases from the higher courts.

A custodial sentence (a term of imprisonment) will be used in more serious cases or if the offender has previous convictions. A term in prison can be suspended for a set period of time. This means that the offender does not go to prison unless they reoffend during the period of suspension. For juvenile and young offenders, a juvenile justice centre order or a period in a young offenders' centre may be ordered. These can also be suspended.

For adult offenders, the non-custodial sentences include probation-based disposals, a fine, a conditional discharge or an absolute discharge.

Appendix A (continued)

For young offenders, the non-custodial sentences include an attendance centre order, a community responsibility order, a youth conference order or a reparation order, all of which are supervised by the Youth Justice Agency. In most instances a youth court will order that a youth conference takes place before sentencing. It is similar to the diversionary youth conference. However, a court-ordered youth conference plan (as opposed to a diversionary plan) is a conviction. Both the diversionary youth conference plan and the court youth conference order provide an opportunity for a victim's views to be heard, and for them to be kept informed about the general progress and outcome of the plan or order during the supervision phase.

Appeals and reviews

Decision not to prosecute: If a victim or their family has concerns about the PPS's decision not to prosecute, they can ask for a review of that decision. This means that a lawyer within the PPS will consider the decision again.

Magistrates' court: If a defendant is convicted in the magistrates' court, they can appeal against the sentence or the conviction and sentence. If the defendant appeals against the conviction, the whole trial will be heard again and the witnesses will have to give evidence for a second time. It will be heard at the county court.

In some cases the prosecution or defence may believe that the magistrates' court has reached the wrong decision because of a mistake on a point of law. In these circumstances, the magistrates' court can apply to refer the point of law to the court of appeal. If the court of appeal decides that the magistrates' court was wrong, it can order the magistrates' court to hear the case again. This only happens in quite a small number of cases.

Crown Court: If the case is heard in the Crown Court, the defendant can appeal against the sentence or the conviction and sentence. For a defendant to appeal a conviction from the Crown Court, they must apply for 'leave to appeal'. These appeals are heard in the court of appeal, which can quash the conviction (decide it is wrong), order a retrial or leave the conviction as it is.

Unduly lenient sentence: If the head of the PPS, the Director of Public Prosecutions, considers that the sentence imposed for certain serious offences dealt with in the Crown Court was 'unduly lenient' (not strict enough), he can refer the sentence to the court of appeal. If the court of appeal agrees that the sentence was unduly lenient, they may increase the sentence.

There are strict time limits for appeals. The PPS can advise on this.

Appeal by a victim: A victim, or a family member of a person who has died, by law, does not have a right of appeal against a conviction or sentence imposed. However, if they have concerns about the outcome of a case, they can contact the PPS and tell them this.

Victim information schemes

When an offender is due to be released from prison or hospital, the Northern Ireland Prison Service (see note 25 at the bottom of the page) (for prison sentences of over six months), the Probation Board for Northern Ireland (see note 26 at the bottom of the page) or the Mentally Disordered Offenders' Unit in the Department of Justice will send details of their victim information schemes. You can find more information on these schemes at <http://www.nidirect.gov.uk/prisoner-release-victim-information-scheme>

Compensation

Currently there are three main types of compensation – criminal injuries, criminal damage and compensation covered under the Justice and Security (Northern Ireland) Act 2007.

If a person is a victim of a violent crime, they may be entitled to compensation. If so, those providing these compensation services will:

- deal directly with the victim or, if they prefer, work with Victim Support Northern Ireland or any other representative that is acting for the victim;
- give the victim the information they need to help fill in the application form;
- treat all the information confidentially;
- deal with the victim sensitively and treat them with respect, at all times;
- make a decision on the case as quickly as possible; and
- advise about the right to appeal against the decision.

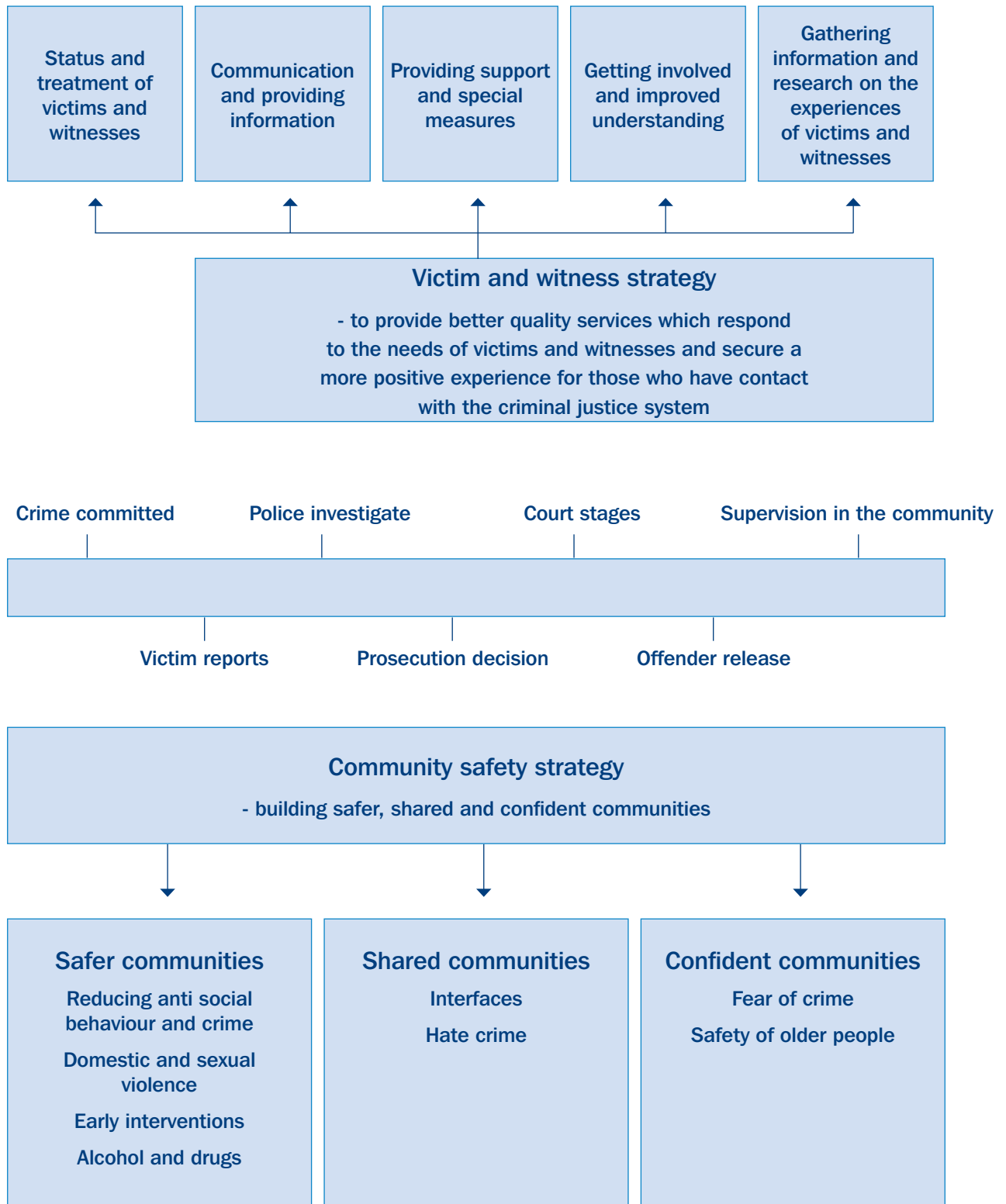
If the victim disagrees with a decision, they can ask for this to be reviewed. This must be done within 90 days from the decision being made. The review will be carried out by staff not involved in the original decision. If the victim is not happy with the decision made after the review, they can appeal to the Criminal Injuries Compensation Appeals Panel for Northern Ireland. This panel is independent and is run by the Northern Ireland Courts and Tribunals Service. The appeal must be sent to the panel within 90 days of the date of the decision made at the review.

²⁵ <http://www.dojni.gov.uk/index/ni-prison-service.htm>

²⁶ <http://www.pbni.org.uk>

Appendix B

Victim's involvement with the criminal justice system



Appendix C

Recent developments in services for victims and witnesses of crime

Since the devolution of justice functions to the Northern Ireland Executive there have been a number of positive developments in terms of the range and quality of services provided to victims and witnesses of crime. Some of these are set out below.

Victim Code of Practice

A new **code of practice for victims of crime** was published by the Justice Minister in March 2011, following a wide-ranging public consultation in 2010. Along with this a number of guides have also been published to help victims and witnesses through the criminal justice process (see note 27 at the bottom of the page).

The code of practice for victims describes how a victim can expect to be treated, kept informed and given details of the various criminal justice organisations. It also includes a section that provides details of organisations that provide help and support to victims. This includes Victim Support Northern Ireland, who offer practical and emotional support to people affected by any type of crime. The NSPCC also provide a Young Witness Service, which gives support and information to those under 18 who may have to give evidence in court.

The code of practice gives details of what information a victim can expect to receive, what each organisation will do, how the victim will be contacted and information about the extra help and measures (often referred to as special measures) that may be available to vulnerable and intimidated witnesses to help them give their best evidence in court. This includes measures such as screens in the court room, giving evidence via live-link from outside the court room, video-recorded evidence sessions and communication aids. You can find more information on special measures in **Appendix D**.

We plan to revise the code of practice for victims and include it within the new victim charter.

Guides

A **guide to Northern Ireland's criminal justice system for victims and witnesses of crime** (see note 28 at the bottom of the page) has also been published. This provides a step-by-step guide to the criminal justice system from when a crime is reported through the investigation and the court processes until the case has been closed. A **guide to Northern Ireland's criminal justice system for bereaved family and friends following murder or manslaughter** (see note 29 at the bottom of the page) is also available. This again provides a step-by-step journey through the criminal justice system and shows how a case will be handled and the support available for bereaved families and friends. Both guides were published in 2010.

²⁷ www.dojni.gov.uk/code_of_practice_for_victims_of_crime

²⁸ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/a_guide_to_the_northern_ireland_criminal_justice_system_for_victims_and_witnesses_of_crime.pdf

²⁹ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/_a_guide_to_the_northern_ireland_criminal_justice_system_for_bereaved_families_and_friends.pdf

Appendix C (continued)

Victims of crime fund – Offender levy

Taking account of the desire that offenders take more responsibility towards compensating those who have been affected by crime, we have created a **victims of crime fund** by introducing an offender levy in 2012. This levy raises the money to provide extra resources for work being done to support and help victims, promote local initiatives and deliver improved services to victims and witnesses of crime.

The offender levy involves attaching a financial penalty on certain sentences handed down by the court and on certain fixed-penalty notices. We expect that the levy could raise up to £500,000 each year once it has been fully rolled out.

Extra support measures for vulnerable and intimidated witnesses

The Justice Act (Northern Ireland) 2011 increased the opportunities to use **special measures for vulnerable and intimidated witnesses**. This included:

- raising the upper age limit under which a young witness is automatically eligible for special measures from 17 to 18;
- allowing young witnesses' views to be taken into account when applications for special measures are being made (depending on certain forms of protection);
- removing the special category of child witnesses in need of special protection and so placing all child witnesses on the same footing;
- providing automatic entitlement for adults who have suffered sexual offences to have their video-recorded statement admitted as their main evidence;
- making the presence of a supporter in the live-link room more formal when a witness is giving evidence;
- relaxing restrictions on a witness giving extra evidence after their video-recorded statement has been admitted; and
- allowing intermediaries to be made available to vulnerable defendants.

The Registered Intermediaries Schemes pilot was launched on 13 May 2013 and is expected to last for 18 months. Registered Intermediaries are communication specialists who help vulnerable victims, witnesses, suspects and defendants who have significant communication difficulties to give their answers more effectively during police interview and when giving evidence at trial. The vulnerable person's communication difficulties could arise due, for example, to a learning disability, a mental health issue, a neurological disorder or a physical disability, or because they are very young.

We have extended the **Young Witness Service remote link** to the Belfast court area, following a pilot study. As a result, witnesses can now give evidence in court by a remote video link and this means that they do not have to enter the court building and come face to face with the accused or friends of the accused.

Police changes

The police began a significant programme of change in 2010 to improve how services are delivered for victims, witnesses, callers and customers. This centred on four main areas – ease of contact, the type of police response offered, police visibility and updating victims by providing follow-up.

The technology has been changed in contact management centres to make it easier to get through to the police on the phone. Police staff are also assessed on the quality of the service they offer.

Front-line officers also give all victims of crime a contact card which contains the officer's contact number, incident details and contact numbers for Victim Support Northern Ireland plus another contact number for the contact management support unit if their investigating officer is not available to take their call.

In line with the Policing Commitments, all victims also receive an update about their incident within 10 days of contacting the police. Investigating officers have all been involved in an awareness programme about file quality and the importance of the victim in the policing process. Changes in managing how files are processed means greater efficiency in making sure the PPS receive prosecution files on time and to a high standard of investigative quality. This means the victim is given the best possible service by the investigating officer.

Practitioner guidance on achieving best evidence

Another notable recent development was the publication of revised practitioner **guidance on Achieving Best Evidence** (see note 30 at the bottom of the page) in criminal proceedings in January 2012. Drawing on experience locally and elsewhere, the document describes good practice for practitioners on effective interviewing techniques when working with vulnerable or intimidated witnesses, including victims, and how to support these witnesses before and during their court appearance, especially by providing special measures. The document also contains good-practice guidance on providing therapy before a trial so that vulnerable and intimidated witnesses should not be denied any emotional support and counselling they need before and during the trial.

You can download all the publications referred to above from www.nidirect.gov.uk. You can also ask for these publications from Victims and Witnesses Branch in the Department of Justice. Contact details are below.

E-mail: access.public@dojni.x.gsi.gov.uk

Write to: Victims and Witnesses Branch
Department of Justice
Massey House
Stormont Estate
Belfast BT4 3SX

Fax: 028 9016 9502

Phone: 028 9016 9592

³⁰ www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/abe_2012.pdf

Appendix D

Special measures (extra support and help) for vulnerable and intimidated witnesses

Special measures

If the police identify a vulnerable or intimidated witness, and a case is passed to the PPS, the prosecutor will consider asking the court for permission to use special measures. This is extra support put in place to help vulnerable and intimidated witnesses give the best possible evidence in court. A judge must be satisfied that using special measures is likely to provide the best quality of witness evidence. Special measures may include any of the following.

- **Using screens** – A screen or curtain can be put up when a witness is giving evidence so that they cannot be seen by the defendant. The witness will be able to see, and be seen by, the judge, prosecution and defence representatives.
- **Using live-link** – This allows the witness to give their evidence through a live televised link (live-link) from a room which is separate from the courtroom. The live-link room is usually in the same building as the courtroom, although it can be in a different place. The television is linked to the courtroom so that everyone, including the defendant, can see and hear the witness as they give their evidence. The witness will be asked questions in the same way as they would if they were in the courtroom. A person, known as a ‘supporter’, can be with the witness in the live-link room.
- **Giving evidence in private** – When the witness is giving their evidence, members of the public will be asked to leave the courtroom. Only legal representatives involved in the case, the defendant and one member of the media can stay in the courtroom. This special measure is only used in sexual-offence cases, where very personal and sensitive evidence may be given, or in cases where the witness has been or is likely to be intimidated. This special measure is aimed at reducing the embarrassment or sense of intimidation that the witness might experience while they give evidence.
- **Removing wigs and gowns** – Judges and lawyers involved in cases in the Crown Court can remove their wigs and gowns to create a less formal court setting and to help reduce the anxiety the witness may feel.
- **Using video-recorded interviews** – The police can video-record the victim’s main evidence and this will then be played as their evidence in court. Everyone in the courtroom will see and hear the video but the victim will not be present. The victim will have to answer questions from the defendant’s lawyer (cross-examination) – this usually takes place by live-link.
- **Using communication aids** – These are aimed at helping vulnerable witnesses who need a ‘device’ to communicate. This may include computers, voice synthesizers or symbol boards.

Vulnerable witnesses

Vulnerable witnesses **may** include people who:

- are under 18 years of age;
- have a mental-health issue or condition;
- have a learning disability;
- have a neurological disorder (such as ADHD or autism) or a progressive disorder, such as a brain or head injury; or
- have a physical disability, such as deafness.

Intimidated witnesses

Intimidated witnesses are those witnesses who are afraid of or distressed at the prospect of giving evidence. Victims of sexual assault fall into this category.

Other witnesses who may be considered to be intimidated witnesses are those who:

- have experienced domestic violence;
- have experienced past or repeat harassment and bullying, or repeat victimisation;
- are victims of human trafficking (illegally moving a person into or through a country, most commonly to take advantage of victims in the sex industry or for labour purposes);
- are victims of hate crime (a crime against a person or property usually because of a person's race, religion, gender, sexuality or disability);
- neglect or harm themselves;
- are frail and elderly;
- are witnesses in a murder trial; or
- are making allegations against professionals or carers.

The above are not complete lists and just give you a broad idea of who would be considered to be a vulnerable or intimidated witness. Each case should be considered on an individual basis, taking account of the person's needs and particular circumstances.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 1: The status and treatment of victims and witnesses				
3. We will develop a statutory witness charter which will include standards for waiting times in court.		✓	1	Victim and witness charter providing statutory entitlements for victims and witnesses in terms of information should be introduced in the next available Justice Bill.
4. We will take steps to make victims and witnesses more aware of the standards of service they should receive, by publicising the victim charter and witness charter (see note 31 at the bottom of the page).	✓ (see note below)			
5. We will actively work towards making sure we are in line with wider national and European developments (including EU Directives) in terms of how victims and witnesses are treated.	✓			
6. We will be more responsive to victims' needs, in terms of tackling problems and issues that arise outside of the formal methods of making complaints.		✓		

³¹ Years one to two for the victim charter and three to five for the witness charter.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 1: The status and treatment of victims and witnesses				
7. We will review the current independent methods of dealing with complaints. This will make sure that complaints that have not been satisfactorily dealt with through the internal complaints procedures of each criminal justice organisation can be more easily dealt with.		✓	4	An independent complaints mechanism should be introduced to deal with all complaints that have not been satisfactorily dealt with through the internal complaints procedures of each organisation.
8. We will make sure that all staff in the criminal justice organisations who have contact with victims and witnesses have been given training, relevant to their roles, on the care and treatment of victims and witnesses.	✓		5	All staff in criminal justice organisations who interact with victims and witnesses should receive training on the care and treatment of victims and witnesses.
9. Each of the criminal justice organisations will reflect their commitment to improving the services provided to victims and witnesses by including specific actions in their corporate and business plans. This will include an aim relating to victim and witness satisfaction.	✓		11	The corporate and business plans for each of the criminal justice organisations should reflect their commitment to and actions for improving the services provided to victims and witnesses and should include an objective relating to victim and witness satisfaction levels.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 1: The status and treatment of victims and witnesses				
10. Each criminal justice organisation will have measurable standards and each year they will monitor and assess how services are delivered to victims and witnesses and their satisfaction levels. These results will be published.		✓	12	Each criminal justice organisation should have measurable standards and mechanisms to monitor and assess how services are delivered to victims and witnesses and to monitor satisfaction levels each year, and the results should be published on their websites.
11. In setting standards, agencies will agree a minimum standard that should apply across all criminal justice agencies.		✓	12	[See above]
12. We will continue to work together, as a service, to make sure the progression of cases between organisations is as smooth as possible and that victims and witnesses are clear about who they can contact to deal with any problems.		✓	6	Witness care units in Northern Ireland should provide the single point of contact for as much of the process as possible.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 2: Communication and providing information				
14. We will introduce clearly defined communication procedures, setting out the information that should be given to victims and the associated timescales for each criminal justice organisation. This will build on the standards of service set out in the victim charter.		✓	8	Each criminal justice organisation should set clearly defined communication procedures setting out the information that must be provided to victims and witnesses and the timescales within which it must be provided.
15. We will produce an easy-to-understand flowchart setting out the various stages that a case may go through. This will be given to victims and relevant witnesses at an early stage in the process to help them understand the criminal justice system.	✓		10	An easily understandable flowchart setting out case progression through the system and in particular all the various stages of a court case should automatically be given to all victims and witnesses.
16. We will review how the post-sentence victim information schemes (the Prisoner Release Victim Information Scheme, the Probation Board for Northern Ireland's Victim Information Scheme and the Mentally Disordered Offenders' Victim Information Scheme) are operated.	✓			

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 2: Communication and providing information				
17. We will continue to develop technical solutions to improve the provision of up-to-date information to victims and witnesses about the progress of the case.		✓		
18. We will listen regularly to the views of victims and witnesses and involve representative organisations as we look for better ways to communicate information. This will include providing information in a suitable format for people with disabilities and children.	✓		17	Actions to tackle the specific issues raised in relation to a range of victims and witnesses.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 3: Providing support and special measures				
19. We will introduce a formal needs assessment process to: <ul style="list-style-type: none"> • identify the particular needs of individual victims and witnesses in relation to special measures and other support needs at the earliest stage; and • review these needs, as necessary, as the case progresses. 	✓		13	A comprehensive formal assessment process should be introduced to identify the needs of individual victims and witnesses at the earliest stage revised as necessary as the case progresses.
20. We will improve our understanding of gaps in support services for victims of serious crime and those who are vulnerable or intimidated.		✓	14	In relation to serious crimes, resources should be provided for practical support services.
21. We will develop a guide to working with intimidated witnesses for police and criminal justice system practitioners.	✓			
22. We will explore the scope for better ways of sharing victims' information between the criminal justice organisations and also with our voluntary sector partners.	✓		15	An opt-out system on being approached by Victim Support Northern Ireland and the Probation Board should be developed to replace the current opt-in system.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 3: Providing support and special measures				
23. We will continue to fund community, witness and compensation support services for victims and witnesses of crime.	✓			
24. We will take action to tackle the specific issues raised in the Justice Committee's inquiry report in relation to particular groups of victims and witnesses.		✓	17	Actions to tackle the specific issues raised in relation to a range of victims and witnesses.
25. We will explore how providing remote live-link facilities, based on the NSPCC Young Witness Service pilot model, can be extended across Northern Ireland to give victims and witnesses access to these facilities within a reasonable travelling distance.	✓		18	Remote live-link facilities should be extended across Northern Ireland to give victims and witnesses access to these facilities within a reasonable travelling distance.
26. We will evaluate the facilities currently provided for victims and witnesses in all courthouses with the aim of identifying specific improvements that can be made to provide comfortable facilities for victims, witnesses and bereaved families.	✓		19	An evaluation of the facilities currently provided for victims and witnesses in all courthouses should be carried out as part of the Courts Estate review.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 3: Providing support and special measures				
27. We will examine the way services for victims and witnesses are managed in courthouses and make sure we take a collaborative approach with the new victim and witness care unit.		✓	20	The way facilities and services for victims and witnesses in courthouses are currently managed should be examined, along with whether the dependence on volunteers is appropriate and properly funded and how a collaborative approach with the witness care units can be developed.
28. We will work to reduce waiting times at court for victims and witnesses and to improve communications with them as a way of tackling concerns in this area. Together with other important stakeholders, we will work to: <ul style="list-style-type: none"> • develop standards for the maximum length of time that witnesses should expect to have to wait to give evidence; • tell witnesses as quickly as possible if the case cannot be heard on the day; • give witnesses an idea on the day of how long they will have to wait before giving evidence and update them regularly; and • give witnesses reasons for delay if they have to wait longer than expected. 	✓		21	A maximum waiting time for witnesses should be introduced.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 3: Providing support and special measures				
29. We will evaluate the current pilot exercise for special listing arrangements in domestic violence cases and use this to help us with any further developments in this area, including managing the cases of young witnesses.	✓		22	Greater use should be made of specialist courts for example, domestic violence courts and courts prioritising cases involving young people.
30. We will develop advocacy services to support victims in accessing the services and information that they need from the criminal justice system.	✓			
31. We will put in place registered intermediaries schemes to help vulnerable victims, witnesses and defendants with significant communication difficulties to provide evidence.	✓			
32. We will continue to update the Achieving Best Evidence Guidance to make sure that we promote good practice when interviewing victims and witnesses to allow them to give their best evidence in criminal proceedings.		✓		

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 3: Providing support and special measures				
33. We will make sure that victims and witnesses who are eligible for special measures are identified at an early stage and applications made to the court in all appropriate cases.	✓		13	A comprehensive formal assessment process should be introduced to identify the needs of individual victims and witnesses at the earliest stage, revised as necessary as the case progresses.
34. We will begin video-recorded cross-examination and re-examination of victims and witnesses as set out in Article 16 of the Criminal Evidence (Northern Ireland) Order 1999.		✓		
35. We will further explore and take action to tackle the concerns victims and witnesses have about going to court.	✓			

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 4: Involvement and improved understanding				
36. We will promote the use of victim personal statements, expert victim impact reports and community impact statements to make them a standard part of the criminal justice system.	✓		24	A formal system for completing and using victim impact statements and reports should be introduced by January 2013.
37. Through the 'Faster, Fairer Justice' Bill, we will give victims a legal right to have the opportunity to make a written victim personal statement, if a person pleads or is found guilty.	✓		25	There should be an automatic right for victim impact statements to be completed in all cases involving serious crime.
38. We will carry out a review of the Criminal Injuries and Criminal Damage Compensation Schemes.		✓	26	A review of the legislation behind the compensation schemes should be carried out to assess whether it is appropriate and adequate.
39. We will tackle operational issues highlighted in the Justice Committee's inquiry report with the aim of improving how compensation schemes are delivered.	✓		27	The issues highlighted in relation to operating procedures and processes should be dealt with as part of the ongoing review of how the Compensation Agency delivers its services.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 4: Involvement and improved understanding				
40. We will develop accessible outreach measures promoting greater public awareness of the services and information available to victims and witnesses and the experiences and views of victims.		✓		
41. We will continue to develop our outreach programme to schools and look at what other groups might benefit from going to similar outreach events such as older people or those with disabilities.		✓		
42. We will review the online victim and witness guidance on the nidirect website and consider how we might better promote their use.		✓		

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 4: Involvement and improved understanding				
43. We will continue to develop and update criminal justice guidance documents such as our information leaflets, the Guide to Northern Ireland's Criminal Justice System for victims and witnesses of crime and the Guide to Northern Ireland's Criminal Justice System for bereaved families and friends following murder or manslaughter.		✓		
44. We will continue to involve appropriate representative organisations and encourage them to be involved with the system.		✓		

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 5: Gathering information and research on the experiences of victims and witnesses				
45. We will develop and put in place a method of collecting the experiences of victims of serious crime. This will include the experience of those bereaved through murder or manslaughter, victims of domestic violence or abuse, sexual violence, hate crime and the nature and type of crime against children.	✓		29	A method for collecting the experiences of victims of serious crime should be identified and put into practice.
46. We will carry out further research and analysis to provide a clearer understanding of underreporting of crime as well as how avoidable attrition (that is where a victim or witness withdraws or retracts their evidence) can be reduced and victims and witnesses better supported.		✓	16	Further research and analysis should be carried out to provide a clearer understanding of how avoidable attrition (where a victim or witness withdraws or retracts their evidence) can be reduced as far as possible and victims and witnesses better supported.
47. We will gather information on the experiences of victims and witnesses across each stage of the criminal justice process to allow the services provided by the various criminal justice organisations to be assessed and particular issues identified and dealt with where necessary.		✓	30	Information on the experiences of victims and witnesses should be gathered across each stage of the process to allow the services provided by the various criminal justice organisations to be assessed and particular issues identified and tackled where necessary.

Strategy action	Delivery: 2013/14 - 2014/15	Delivery: 2015/16 - 2017/18	Related to Justice Committee recommendation	Summary of Justice Committee recommendation
Theme 5: Gathering information and research on the experiences of victims and witnesses				
48. Our voluntary sector delivery partners will share feedback, research, case studies and other learning with us to help us develop our policy and services.	✓		30	[See above]
49. We will continue to carry out the Northern Ireland Victim and Witness Survey.	✓		30	[See above]
50. We will review the effect of the youth conferencing process on victims.	✓			
General				
51. We will move work forward on the actions to be taken forward in years three and five of the strategy.	✓			

