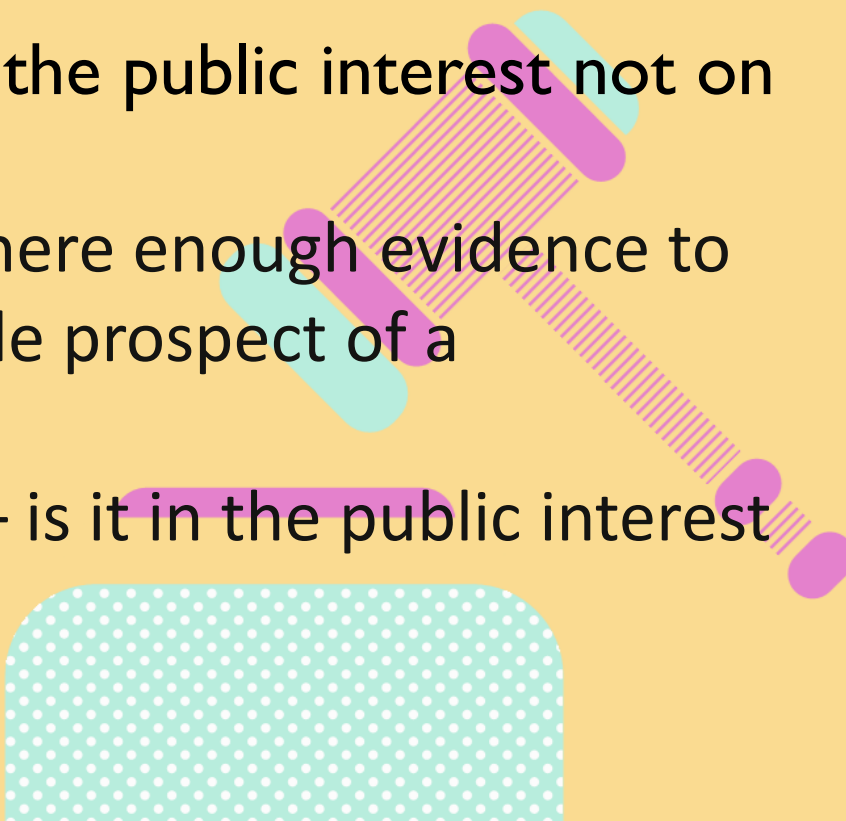





Victim Support NI

Northern Ireland Criminal Justice System

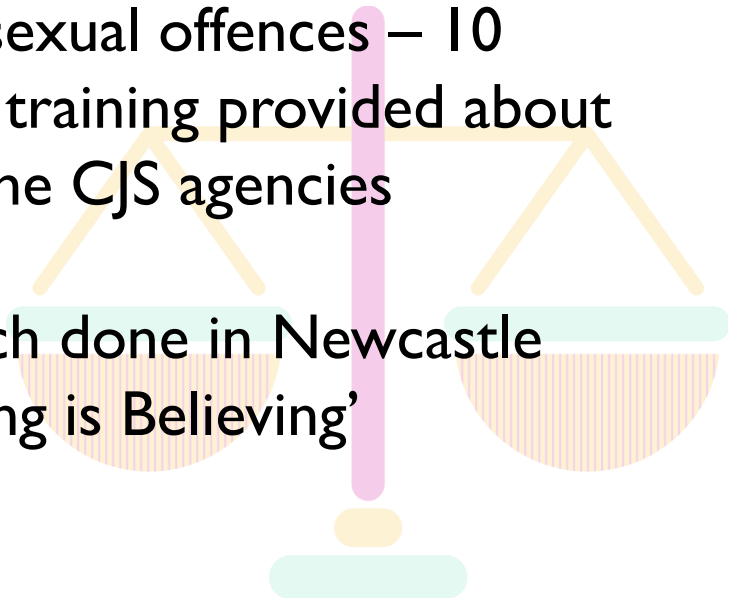
- Adversarial system – prioritising the criminal process over victim needs
 - Public Prosecution acts in the public interest not on behalf of the individual
 - The evidential test – is there enough evidence to believe there is reasonable prospect of a conviction? **AND**
 - The public interest test – is it in the public interest to prosecute?
- 
- A decorative graphic on the right side of the slide. It features a stylized gavel with a pink head and a light blue handle, positioned diagonally. Below the gavel is a light blue rounded rectangle with a white polka-dot pattern.

A Victim's Journey

- Police investigations and rights to digital privacy – information sheets not consent
- No legal representation for the victim as an individual
- The process happens to them not with them – Victim Support NI enshrined in legislation to comply with Victims Charter
- Victims are classified as witnesses within the courts process

Lay Observers Research

- Research undertaken by Victim Support NI into the handling of sexual violence cases
- Bearing Witness: Report Of The Northern Ireland Court Observer Panel 2018-2019 published in February 2021
- Recruitment of members of the public to observe and report their findings on trials of sexual offences – 10 volunteers over one year – basic training provided about the roles and responsibilities of the CJS agencies
- Following on from similar research done in Newcastle Crown Courts 2015 - 2016 'Seeing is Believing'



Overview Of Trials Observed

CROWN COURT TRIALS, HELD IN:



TRIAL TYPES OBSERVED

SEXUAL ASSULT

RAPE

INDECENT ASSULT

27 TRIALS
OBSERVED BETWEEN



- 3 FOUND GUILTY
- 8 FOUND NOT GUILTY
2 NO FURTHER EVIDENCE OFFERED BY PROSECUTION SO NOT GUILTY
- 3 HUNG JURY
- 7 PLEADED GUILTY
4 PLEADED GUILTY TO LESSER CHARGES & RAPE CHARGES DISMISSED OR LEFT ON THE BOOKS
- 6 CASES COLLAPSED OR ADJOURNED & JURY DISCHARGED

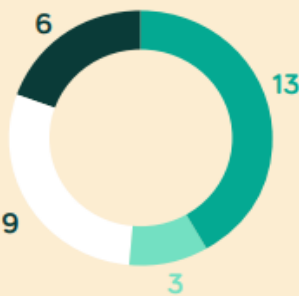


8
HISTORICAL
CASES

12
CURRENT
CASES

7
UNKNOWN

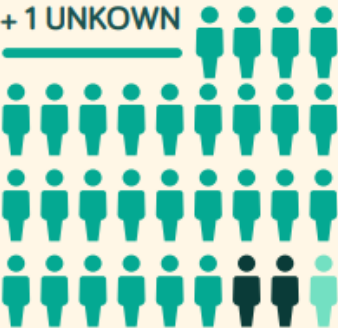
31 COMPLAINANTS ACROSS ALL TRIALS



COMPLAINANT AGE:

- CHILDREN AT THE TIME OF THE ALLEGED OFFENCE(S)
- CHILDREN
- ADULT
- AGE UNKNOWN

28 FEMALE + 2 MALE
+ 1 UNKNOWN



26 MALE + 1 FEMALE



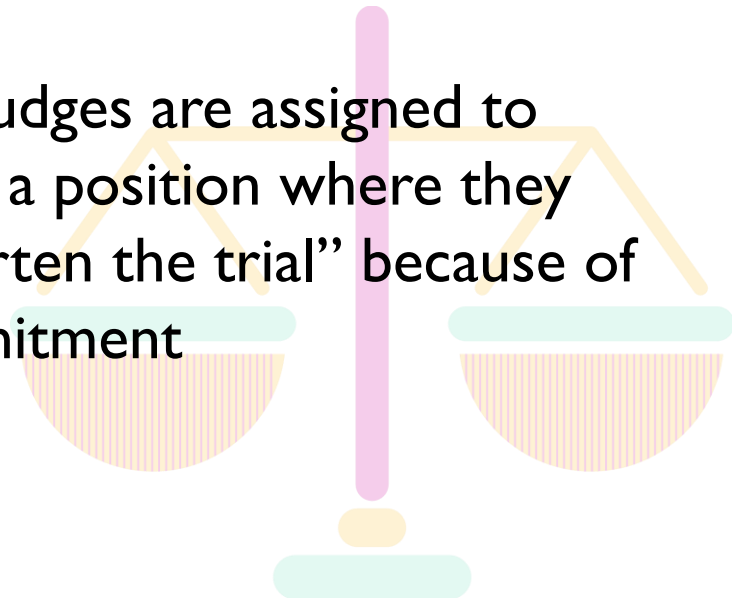
Lay Observers Recommendations

- Fairness (7 recommendations)
 - Provide separate legal representation for complainants during trials
- Improving information for juries (8 recommendations)
 - Explain the 'imbalance' between defendant and complainant – prosecution does not represent complainant but defence barrister does represent the defendant
- Quality assurance of evidence (4 recommendations)
 - Better scrutiny of quality of police investigations and files submitted to the PPS



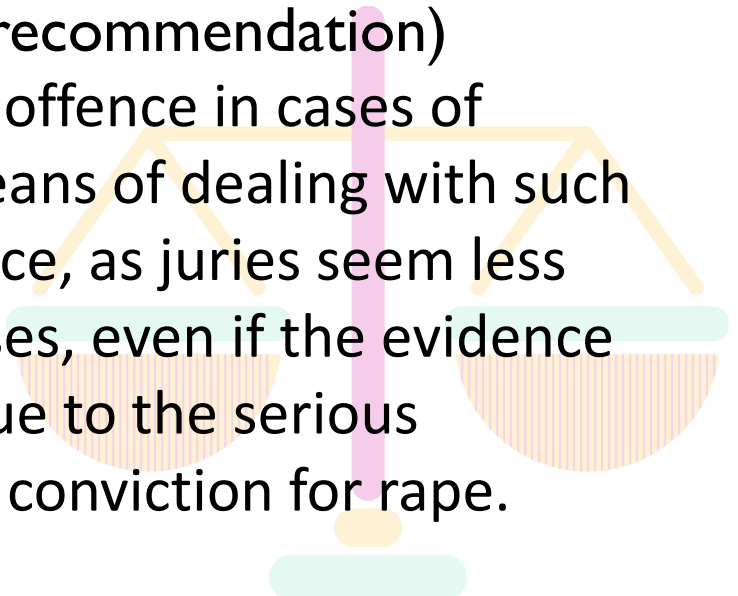
Lay Observers Recommendations

- Technology (6 recommendations)
 - Update court technology to make it fit for purpose
- Training (2 recommendations)
 - Better training of police to ensure they know how to collect and document evidence that will be fit for trial
- Efficiency (9 recommendations)
 - Review how barristers and judges are assigned to trials so that no one is put in a position where they “cut corners in order to shorten the trial” because of another upcoming trial commitment



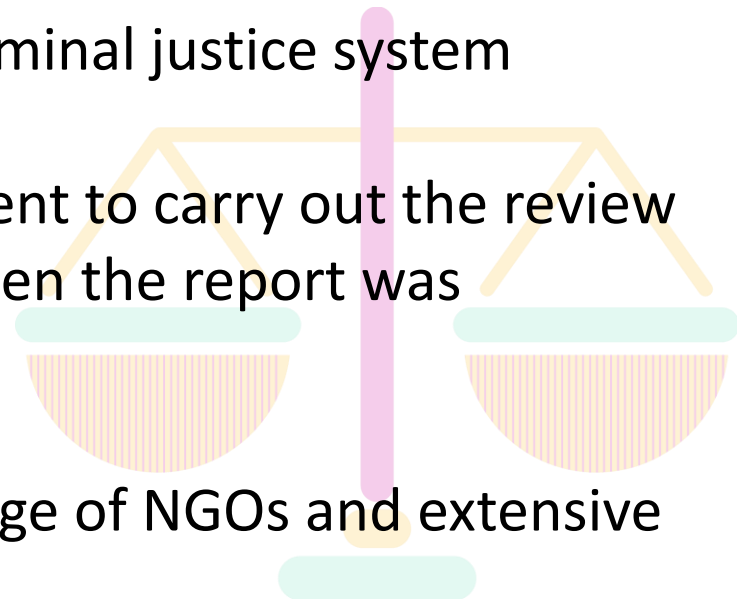
Lay Observers Recommendations

- Juries (7 recommendations)
 - Scrap jury trials in sexual violence cases, as juries are timid about reaching a guilty verdict because of the stigma of a conviction for sexual crime
- Burden of Proof (one recommendation)
 - Revisit the beyond reasonable doubt standard of proof for sexual offences trials
- Categories of rape offence (one recommendation)
 - Consider introducing a lesser offence in cases of 'mate rape', or alternative means of dealing with such cases such as restorative justice, as juries seem less inclined to convict in such cases, even if the evidence firmly points towards guilt, due to the serious consequence and stigma of a conviction for rape.



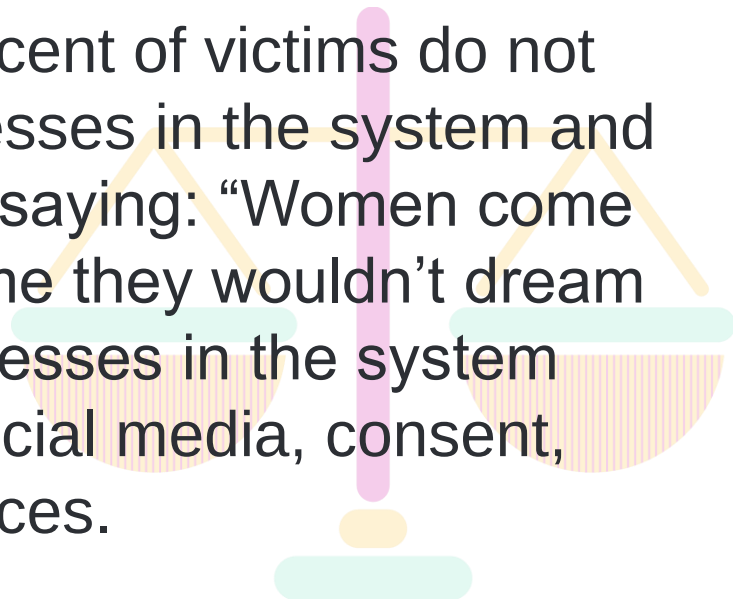
Gillen Review

- Report into the law and procedures in serious sexual offences in Northern Ireland – 714 pages published May 2019 Led by Sir John Gillen
- Prompted in part by one of the most high-profile rape cases in Northern Ireland
- Expansive examination of the criminal justice system
- Creating a government department to carry out the review and an implementation team when the report was published
- Involved stakeholders from a range of NGOs and extensive interviews with victims of SV



Gillen Review

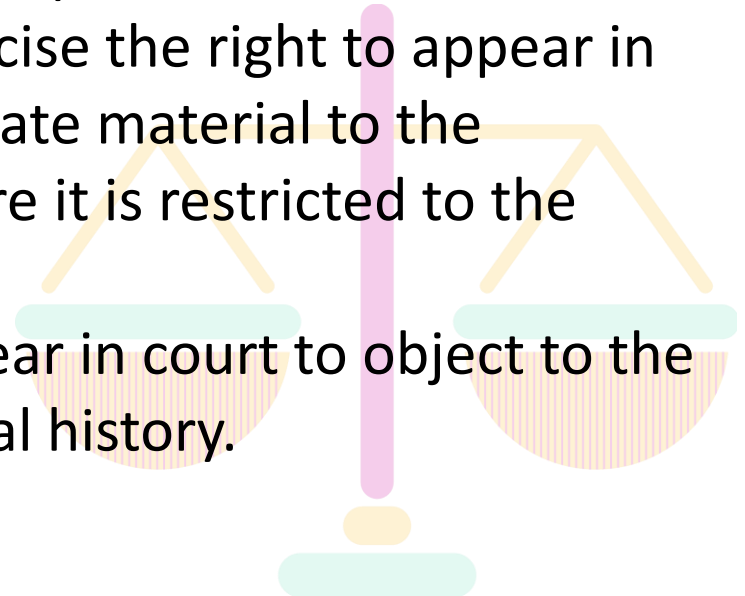
- Had a significant impact across the criminal justice system and ignited the implementation across all government and justice organisations of policy and practice change
- The report contained over 250 recommendations for change and 16 key recommendations
- He revealed that up to 83 per cent of victims do not report to police due to weaknesses in the system and a fear they won't be believed, saying: "Women come up to me all the time and tell me they wouldn't dream of reporting." The main weaknesses in the system remain delays, rape myths, social media, consent, training, education and resources.



Gillen Review

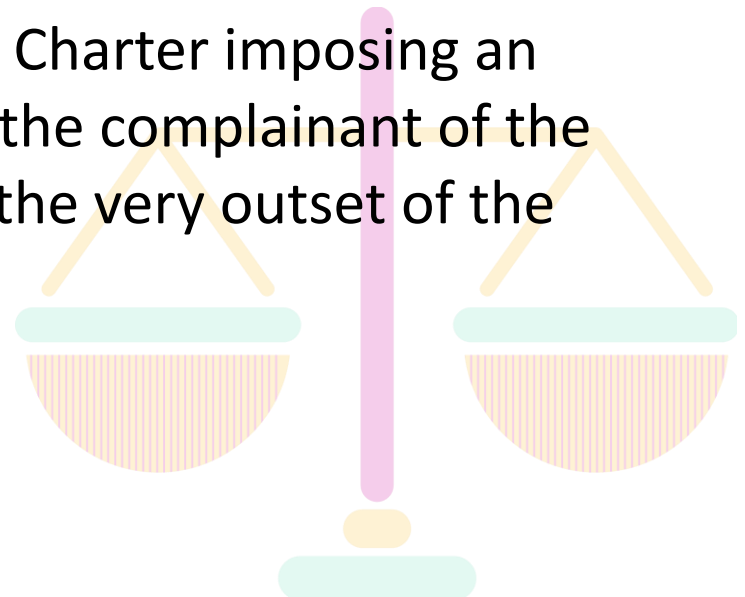
Publicly funded legal representation should be granted to all complainants in all serious sexual offence cases in the following circumstances:

- to afford relevant information and general legal advice on a time limited basis throughout the process up to the commencement of the trial, with the option of bringing such matters to the attention of the court prior to trial;
- where complainants wish to exercise the right to appear in court to object to disclosure of private material to the accused's defence team or to ensure it is restricted to the minimum necessary; and
- where complainants wish to appear in court to object to the introduction of their previous sexual history.



Gillen Review

- 41. That consideration be given to and a cost analysis made of extending legal representation during examination-in-chief and cross-examination at the trial itself after the recommendations above at number one have been piloted and analysed.
- 42. An amendment to the Victim Charter imposing an obligation on the PSNI to inform the complainant of the existence of such legal advice at the very outset of the process.



Gillen Review

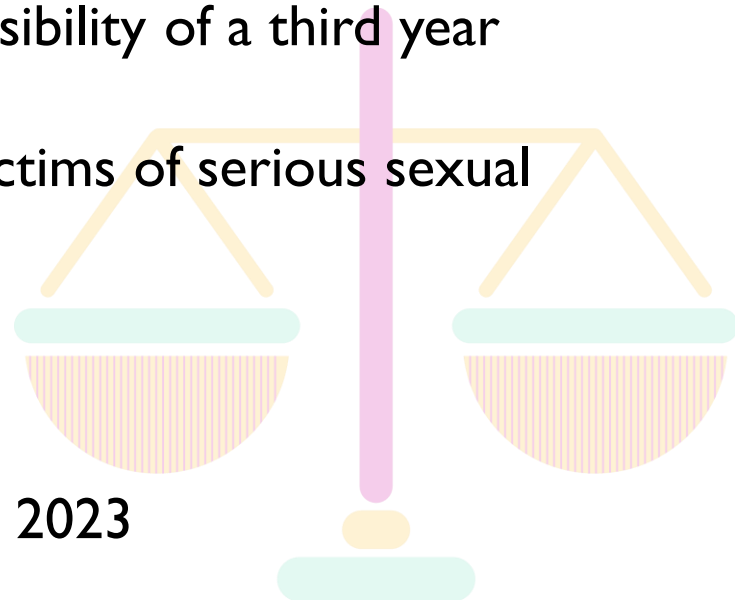
- 43. The Public Prosecution Service should make it a term of counsel's retention that, save in very exceptional circumstances, the same counsel (either junior or senior counsel) shall attend any preliminary/Ground Rules/committal hearings as well as the trial itself.
- 44. The Department of Justice should ensure that the Advocacy Support Service to be introduced in 2020 is similar to the Scottish government "Support to Report" project.



Sexual Offences Legal Advisors

Key recommendation: *“victims of serious sexual offences should be offered legal representation from the point at which they are considering reporting a crime right up to the point of trial”.*

- Department of Justice funded Victim Support in 2019 to roll out the Sexual Offences Legal Advisor pilot project
- An initial period of 2 years with the possibility of a third year
- Legal representation and advocacy to victims of serious sexual offences as set out in the Gillen report
- Aim to have right of audience at trial
- Child SOLA to join the team in Autumn 2023



Sexual Offences Legal Advisors

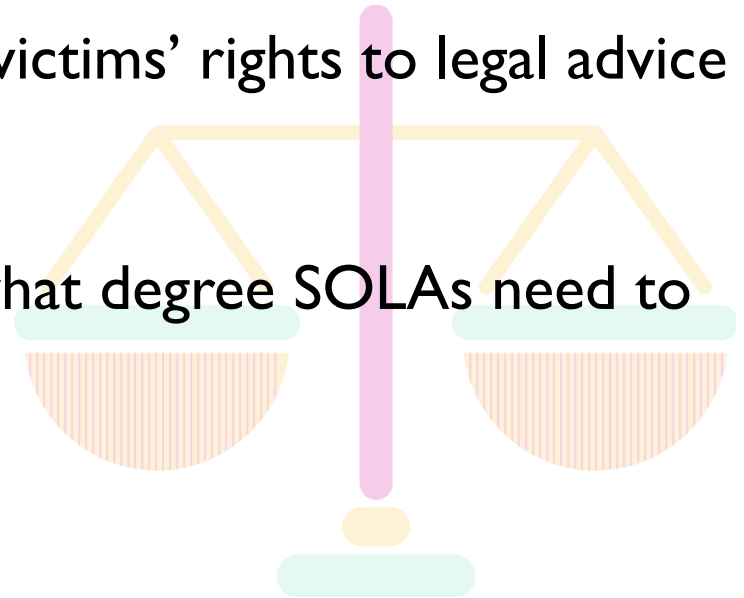
Development of MOUs with the PPS to help navigate the relationship between SOLAs/victims/PPS

Establishing processes with the PSNI to ensure appropriate referrals are received

- Timing of referrals
- Awareness within PSNI unit about victims' rights to legal advice at commencement of investigation

Learning curve around when and to what degree SOLAs need to be involved in the courts process

- Remit
- Pre-trial



Thank you for your time



www.victimsupportni.co.uk