

# Consultation on Improving Access to Justice for Victims and Witnesses of Crime

Department of Justice

Response submitted by the Commissioner for Older People  
for Northern Ireland

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## Executive Summary

1. The Commissioner welcomes the proposals within the first strategy for victims and witnesses of crime since the devolution of justice powers to the NI assembly in 2010. If effectively implemented, the strategy will provide better quality services responsive to the needs of older victims of crime whilst securing more positive experiences for older people who have been affected by crime.
2. The Commissioner welcomes the determination within the strategy to make clearer the entitlements of victims as, based on extensive dialogue with older people the Commissioner has found older people to have expressed confusion in how information is communicated to them as victims of crime.
3. The Commissioner welcomes the review of the current independent complaints mechanisms. The Commissioner believes that within complaint handling timeliness of resolution is imperative and must be process focused on concerns and outcomes.
4. The Commissioner welcomes improvements within communication and information provision through the production of an understandable flowchart setting out case progression. It is paramount that this flowchart is distributed sufficiently to ensure older people understand more about their case after being a victim of crime.
5. The Commissioner is of the view that the collation of information and research of the experiences of victims and witnesses will aid the Department in gaining knowledge about how older people feel they are treated after they have been the victim of a crime. Pensioners Parliament highlighted that 65% of older people identify fear of crime as one of their major concerns, thus the Commissioner hopes that this research will help identify what can be done to greatly reduce this statistic.
6. The Commissioner (in her ten priorities 2013-16) has highlighted the concern that when older people are victims of crime there is neither an arrest, prosecution nor conviction of the perpetrators. The clearance rate (that is, how many people are prosecuted and convicted) for violent assault and burglary against older people, is lower than for victims in most other age groups. Thus the Commissioner is keen to make recommendations to government to help improve this statistic.

## Introduction

7. The office of the Commissioner for Older People for Northern Ireland (the Commissioner) is an independent public body established under the Commissioner for Older People Act (Northern Ireland) 2011.
8. The Commissioner will have responsibility for an extensive range of general powers and duties which will provide the statutory remit for the exercise of her functions. In addition the Commissioner may provide advice or information on any matter concerning the interests of older persons.
9. The Commissioner's powers and duties are underpinned by the United Nations Principle for Older Persons (1991) (see appendix A). The wide ranging legal powers and duties will include amongst others:
  - To keep under review the adequacy and effectiveness of law and practice relating to the interests of older people
  - To keep under review the adequacy and effectiveness of services provided for older persons by relevant authorities
  - To promote the provision of opportunities for and the elimination of discrimination against older persons
  - To review advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities
  - To assist with complaints to relevant authorities
  - The investigation of complaints against relevant authorities
  - The power to bring, intervene in or assist in legal proceedings
  - The conciliation of disputes
  - Formal investigations, evidence in formal investigations
  - Powers of entry and inspection for purposes of formal investigation
10. The Commissioner welcomes the opportunity to respond to the Department of Justice's consultation on improving access to justice for victims and witnesses of crime.
11. The Department of Justice (the Department) has outlined a number of issues on which they would particularly welcome views. The Commissioner offers a limited response to these issues in seeking to confine the response within her core area of expertise.

## **Key Issues**

### **Themes and Underpinning principles**

1. The Commissioner welcomes the introduction of a strategy for improving access to justice for victims and witnesses of crime.
2. Northern Ireland has an increasingly ageing population with the percentage of the population aged over 60 years having increased from 17.6% in 2001<sup>1</sup> to 20% in 2011<sup>2</sup>. <sup>3</sup>From 2007 to 2012 (on average) less than 10% of crimes committed against older people (over 65) have carried a conviction.
3. The key issues as outlined in the consultation by DOJ provide a definitive insight into the fears and concerns of older people with regards to crime.
4. The Commissioner welcomes the themes and underpinning principles outlined in the strategy; treating older people who have been victims and witnesses of crime with dignity and respect reflects the UN principles for older people. The Commissioner welcomes the greater focus in the underpinning principles on meeting the needs of victims and witnesses with the greatest need placed on those who are most vulnerable with the desire that victims and witnesses should have equality of access. The Commissioner is concerned, however, about equality of access for older people to the criminal justice system, given that clearance rates are significantly lower than other age groups for crimes committed against older people.
5. The Commissioner has a number of comments on the key themes within the strategy, which should assist the Department in strengthening the development and implementation of the proposed standards for Older People.

### **Status and treatment of victims and witnesses**

6. The Commissioner welcomes the development of a Charter for Victims and Witnesses. It is the view of the Commissioner that the Charter will assist in clarifying for older people the roles and responsibilities of criminal justice agencies and standards of service they should expect if they are victims or witness of a crime

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<sup>1</sup> Census 2001

<sup>2</sup> Census 2011

<sup>3</sup> PSNI- recorded crime in Northern Ireland 1998/99 to 2011/12

This Charter should be widely publicised to enable greater public awareness amongst older people which in turn will highlight proposed standards prior to contact with the criminal justice agency.

One of the key concerns for older people in Northern Ireland (with regards to crime) is the common feeling of confusion and isolation around the processes adopted by the PSNI and the government. Organisations stress that fear of crime is widespread amongst older people and crime clearance rates as published by the PSNI only prove further that these concerns are justified.

7. The Commissioner is of the view that older people need to feel more involved in processes where they have been affected by crime rather than left to speculate on outcomes and potential convictions.
8. The Commissioner feels it essential that these standards are properly resourced and implemented by the Department. The Department must fully commit itself to these standards in order to ensure that older people feel more involved in such critical processes.
9. If victims are to feel more confident in reporting a crime and going forward will engage again with the system then the desired outcomes of this section will be to the benefit of older people and the community as a whole.

## **Communication and information provision**

10. The Commissioner is of the view that in developing communications DOJ should consider the information needs of older people and seek to actively involve older people in the development of these processes
11. The Commissioner welcomes the establishment of a Victim and Witness Care unit to provide a single point of contact for as much of the criminal justice process as possible.  
A single point of contact and the provision of information on case progression should assist in reducing confusion or anxiety around the criminal justice process and improve communication to older people who are victims of crime
12. The Commissioner welcomes the focus within the strategy on assessing the needs of older people at an early stage of the process and the development of outcome-focused targets within communication and information provision. Based on engagements with older people the Commissioner has found that older people who are victims of crime are often not informed sufficiently with regards to case outcomes and stages of the process.

## Support Provisions and Special measures

The Commissioner welcomes focus on individual needs and evaluations of courthouse facilities; however the Commissioner believes that the Department should seek to engage with older people to help ascertain specific areas for improvements in court houses in terms of facilities; much of the focus on Victim support is on younger people and the disabled. However, given the low clearance rate associated with crimes against older people and the impact it has on the victim, there may be a need to tailor additional support to vulnerable older people. The Commissioner is concerned that were support provisions and special measures are needed for older people who are victims of crime, their needs should be quickly assessed and additional support be tailored to their needs.

13. The Commissioner is of the view that the Department should engage with older victims and witnesses of crime to understand gaps in support services for older victims of crime

## Participation and Understanding

14. The Commissioner welcomes the development of outreach services promoting greater public awareness of information available to victims and witnesses especially regarding the criminal justice system and its processes.
15. The Commissioner is concerned that current initiatives focus primarily on outreach programmes in schools. The Commissioner is of the view that there is a specific need to provide outreach services promoting greater public awareness to older people. Statistical data<sup>4</sup> has indicated that, although older people are less likely to be victims of crime, fear of crime is greater amongst older people and can have a significant negative impact on older people's ability to participate fully in civic life.
16. Statistics also indicate that clearance rates for violent crime and domestic burglary are significantly lower for victims over 65 than in most other age groups,<sup>5</sup> which can serve to exacerbate fear of crime and perceptions of insecurity amongst older people. In addition, a particular criminal incident may have an indirect impact on an older person's well-being that reverberates throughout society, particularly where the original victim was an older person and where the incident has been accompanied by inappropriate media reporting<sup>6</sup>.

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<sup>4</sup> Freel R and Campbell P (2012) Perceptions of Crime: Findings from the 2012/11 Northern Ireland Crime Survey. *Research and Statistical Bulletin 1/2012*. DOJ: Belfast.

<sup>5</sup> PSNI (2010). Policy Directive PD10/06: Preventing and Responding to Crime Against Older Persons. PSNI: Belfast

<sup>6</sup> Ibid

17. The Commissioner is of the view that outreach to older people and greater public engagement may serve to promote awareness of the criminal justice system and the services available whilst helping to engender greater confidence that should they become a victim of crime they will be supported by the criminal justice agencies involved. The Commissioner is of the view that more needs to be done to promote the outcomes of cases; the commissioner is hopeful that the implementation of this will positively impact of the reduction of fear of crime for older people.

## **Collation of information and research on the experiences of victims and witnesses**

18. The Commissioner welcomes the collation of information and research on experiences of victims and witnesses. The Commissioner is of the view that specific research needs to be undertaken into the experiences of older victims of crime. As a main priority for over the next 3 years, the Commissioner is keen to explore why there appears to be an inequality in how older people are treated within the realms of crime. Research may help us understand better the specific attitudes and concerns of older people in relation to certain practices within the policing and justice of cases and barriers to accessing the judicial system.

## **Concluding Comments**

19. The Commissioner welcomes the Department of Justice's five year strategy that will, if well implemented, improve the standards of treatment and communication provision to older people in Northern Ireland. However, the Department should ensure that the implementation and outcomes of the strategy are monitored, evaluated and reviewed on a timely basis to ensure that there is no negative adverse impact on older people.

20. Fear of crime is a key issue for older people as and can have a significant impact on an older persons' well-being and ability to participate in civic life. The Commissioner would urge the Department to ensure the participation of older people in the development, implementation, monitoring and evaluation of its proposals and to monitor the equality and human rights implications of its proposals for older people.

21. Finally, the Commissioner would be grateful if the Department of Justice would include her in its consultation list for all further consultations. All future consultations should be sent to:

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