

## **SUPPLEMENTARY INFORMATION ON THE RECOMMENDATIONS OF THE CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND**

**Claire Cassidy**  
**Research and Library Services**

### **INTRODUCTION**

This supplementary briefing is prepared for Members of the Assembly and Executive Review Committee to highlight the recommendations made by the Criminal Justice Inspection (CJI) Northern Ireland (NI), in its written submission to the Committee on the 10 August 2007. The Committee's report on the Inquiry into the devolution of policing and justice matters recommended that the Northern Ireland Office (NIO) should make arrangements to have draft reports from CJI submitted to the Assembly, and that other matters raised by CJI should be examined before the devolution of policing and justice matters. The issues discussed in CJI's written submission include:

1. Two slight modifications to CJI's remit involving, the inspection of the Police Service of Northern Ireland (PSNI) and the review of individual cases.
2. The planning process of CJI's programme of work each year and the input the relevant Committee of the NI Assembly may wish to have.
3. The implications for the future resourcing of CJI taking into consideration new responsibilities of CJI together with expected new demands placed on the Inspectorate by the NI Assembly.
4. The responsibility of the publication of CJI reports under devolution.
5. The management of the Criminal Justice System.

### **1. MODIFICATIONS TO CJI REMIT**

In its written submission, CJI recommended that the Executive should call for an independent quinquennial review of its functions and performance to enable the Assembly to take a fresh view of what it wanted from the Inspectorate. It would be at this stage that two modifications of the organisation's remit might be considered. These are outlined below.<sup>1</sup>

#### **1.1 INSPECTION OF THE PSNI**

Under the Justice (Northern Ireland) Act 2002<sup>2</sup>, CJI currently has a remit to inspect the PSNI but it is constrained by Schedule 8.8 which states:<sup>3</sup>

---

<sup>1</sup> Written submission of the Criminal Justice Inspectorate Northern Ireland, August 2007.

<sup>2</sup> Justice (Northern Ireland) Act 2002

[http://www.opsi.gov.uk/acts/acts2002/ukpga\\_20020026\\_en\\_1](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020026_en_1)

<sup>3</sup> Schedule 8.8 of the Justice (Northern Ireland) Act 2002

[http://www.opsi.gov.uk/acts/acts2002/ukpga\\_20020026\\_en\\_17#sch8](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020026_en_17#sch8)

*(1) Before an inspection of the Police Service of Northern Ireland or Police Service of Northern Ireland Reserve is carried out under section 46, the Chief Inspector must inform those of Her Majesty's Inspectors of Constabulary who have been appointed under section 41(1) of the Police (Northern Ireland) Act 1998 (c. 32) as inspectors of constabulary for Northern Ireland.*

*(2) If those inspectors notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must delegate its carrying out to them under paragraph 7.*

*(3) If those inspectors do not notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must, before the inspection or review is carried out, consult the Secretary of State with a view to obtaining his approval of the inspection which it is proposed to carry out.*

Schedule 8.8 outlines how the Chief Inspector of Criminal Justice in Northern Ireland must first inform Her Majesty's Inspectors of Constabulary before carrying out an inspection of the PSNI. Her Majesty's Inspectors of Constabulary may wish to carry out the inspection themselves and if this were the case, the Chief Inspector of Criminal Justice in Northern Ireland must allow this to happen. If, in the situation where Her Majesty's Inspectors of Constabulary does not wish to carry out the inspection, the Chief Inspector of Criminal Justice in Northern Ireland must obtain the Secretary of State's approval before commencing the inspection.

Once responsibility for the PSNI transfers with the devolution of policing and justice, CJI will be the Assembly's own designated Inspectorate in this area. Taking this into consideration, CJI recommends that HM Inspectorate of Constabulary inspect in Northern Ireland as agents for CJI, which would reflect the relationship between CJI and other England and Wales Inspectorates. CJI highlights how HM Inspectorate of Constabulary conducts 'Best Value' reviews of Policing Authorities in England and Wales and indicates how useful it could be if CJI were authorised to inspect the work of the Policing Board and District Policing Partnerships similarly.<sup>4</sup>

### 1.2 REVIEWS OF INDIVIDUAL CASES

Presently under the Justice (Northern Ireland) Act 2002, CJI is not allowed to review individual cases. However, during the course of its work, CJI may have to review individual cases on file when inspecting an agency. If an individual case is reviewed as part of an inspection, CJI collates and anonymises the information and does not refer to individual cases in any reports. CJI recommended that in the most serious cases in Northern Ireland the Serious Case Review should be conducted independently by CJI rather than by the agencies concerned. If this were to happen, this would require a permissive power for CJI to conduct such reviews at the request of the Minister.<sup>5</sup>

## 2. THE PLANNING PROCESS OF CJI'S PROGRAMME FOR WORK

Each year CJI prepares a Business Plan which it submits to the Secretary of State for approval. Every three years CJI also submits a Corporate Plan looking three years ahead. Once the devolution of Policing and Justice occurs, the Minister of Justice will take over this responsibility for approving those plans. The relevant Committee of the Assembly may therefore wish to consider how it would like to make an input to the process.<sup>6</sup>

---

<sup>4</sup> Written submission of the Criminal Justice Inspectorate Northern Ireland, August 2007

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

### **3. RESOURCING OF CJI**

CJI has recently been invited to take on new responsibilities as part of the UK's National Preventive Mechanism under the Optional Protocol to the International Convention against Torture. This, together with any new demands placed on CJI by the Assembly once policing and justice has been devolved, may have implications for the future resourcing of CJI.<sup>7</sup>

### **4. PUBLICATION OF REPORTS**

Presently CJI is required by the Justice (Northern Ireland) Act 2002, to submit its reports in draft to the Secretary of State, who then presents them to Parliament before they are published. Provisions of the Act ensure that the Secretary of State controls publications and can withhold reports to protect the safety of individuals or in the public interest. However CJI indicates that these safeguards are no longer necessary or appropriate as there is no danger to individual safety arising from CJI's reports as individuals are never referred to. CJI believes this change would strengthen the perceived independence of the Inspectorate.

CJI also raises the point that the requirement for presentation to Parliament prior to publication can lead to the delay of reports being published due to the Parliamentary summer recess. CJI therefore proposes it should be allowed to submit reports and publish them at any time, whether or not the Assembly is in session.<sup>8</sup>

### **5. MANAGEMENT OF THE CRIMINAL JUSTICE SYSTEM**

CJI believes that policing and criminal justice should be brought together in a single Ministry, with joint Ministers or junior and senior Ministers as necessary. By doing so CJI believes this would make for a strong, unified Criminal Justice Board with the responsibility for the planning and management of the criminal justice system. At present the Northern Ireland Criminal Justice Board is consultative, not executive and in the view of CJI the nature of the independence of the respective criminal justice agencies is allowed to hinder effective planning and management.

At present the CJI does not have access to the papers of the Criminal Justice Board nor does it inspect the Northern Ireland Office, though it inspects its Executive Agencies. However CJI suggests that executive operations of the Ministry, such as its management of Community Safety Partnerships should be open to scrutiny.<sup>9</sup>

---

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.