



INFORMATION BRIEFING POLICING AND JUSTICE

This paper contains information extracted from a range of sources to provide the recently established Justice Committee with a broad overview of a range of policing and justice matters.

Library Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

SUMMARY OF KEY POINTS

The 7th Report of the Northern Ireland Affairs Committee and recent publications from the Criminal Justice Inspection Northern Ireland have highlighted a number of issues relating to the development of the criminal justice system.

The Northern Ireland Affairs Committee has highlighted:

- The key role to be played by the Public Prosecution Service in driving change in the criminal justice system.
- The role of the Northern Ireland Judicial Appointments Commission in facilitating greater diversity in the judiciary, in particular the number of women in the higher echelons of the judiciary.
- The rising cost of legal aid and in particular the cost per capita when compared to England and Wales.
- Delay in the criminal justice system and the subsequent pressure on the Northern Ireland Prison Service with regard to the high percentage of prisoners on remand currently 33%.

Criminal Justice Inspection, amongst other things, has highlighted that:

- There are significant challenges ahead to implement the critical dimensions of community policing.
- There is a need for the PPS to ‘...ensure it is able to operate effectively to act as a catalyst for improvement in the overall quality and timeliness of the service the justice system provides to the public’
- Monitoring is central to the delivery of the equality agenda – very limited data exists
- A new, stricter regime for the payment of fines should be introduced, designed to maximise compliance and minimise recourse to police enforcement and imprisonment.
- There is a need for a more strategic view on the role of forensic science and the role it plays across the criminal justice system.
- The PSNI should ensure that staff can access all relevant policy documents relating to police custody via a centralised location, including the SDHP, and that custody staff are aware of this facility and its importance

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INTRODUCTION

1. The purpose of this paper is to provide information to support members of the Justice Committee in meeting with officials from the Department of Justice. The paper draws upon the following sources to highlight a number of key issues relating to the work of the new department.
 - NIO Autumn Performance Report 2009
 - Criminal Justice Inspection publications
 - Northern Ireland Affairs Committee 7th Report
 - Relevant recent consultation exercises
2. The paper also includes two annexes containing a range of statistical information relating to the criminal justice system in Northern Ireland.

PART 1 NIO AUTUMN PERFORMANCE REPORT 2009

3. The latest Northern Ireland Office's Autumn Performance Report was published in December 2009.¹ Chapter 3 of the report outlines progress against all CSR07² Public Service Agreement outcomes, Departmental Strategic Objectives and Value for Money commitments in the year since the last Autumn Performance Report. Extracts from the report relating to those indicators against which the report notes '*No improvement*' are copied below.

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| Delivering regimes and reducing re-offending |
| <p>No improvement. The priority actions for this indicator are to achieve during the year:</p> <ul style="list-style-type: none"> • An average of at least 20 hours constructive activity per week for sentenced prisoners; • An average of at least 10 hours constructive activity per week for remand prisoners; • That 87% of prisoners serving six months or more are working to a resettlement plan; and • That 97% of lifers work to a life sentence plan, including preparations of the plan within the first six months of sentence. |
| <p>The Northern Ireland Prison Service was successful in meeting its sentence planning and constructive activity targets during 2008/09. For the first six months of 2009/10, the cumulative figures were:</p> <ul style="list-style-type: none"> • An average of 19 hours constructive activity for sentenced prisoners; • An average of 11.8 hours constructive activity for remand prisoners; • 94.9% of prisoners serving six months or more working to a sentence plan; and • 99.9% of lifers working to a life sentence plan. |
| <p>Performance in relation to sentenced prisoners' constructive activity hours is, therefore, currently below the standard required to meet the 2009/10 target. A renewed focus has been placed on sentence planning following the commencement of the Criminal Justice (Northern Ireland) Order 2008.³</p> |

¹ http://www.nio.gov.uk/northern_ireland_office_autumn_performance_report_2009.pdf.pdf

² Comprehensive Spending Review 2007

³ http://www.opsi.gov.uk/si/si2008/draft/ukdsi_9780110800875_en_1

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| Monitor acquisitive crime |
| No improvement: The priority action for this indicator is to maintain acquisitive crimes, i.e. domestic burglary and theft of and from vehicles, at current reduced levels. |
| The 2002/07 PSA targets were to reduce domestic burglary by 15% and car crime by 10%. Reductions respectively of 24% and 53% had been achieved by 31 March 2007. However, subsequently there was a 6.5% increase in domestic burglary; the figures rose from 6871 incidents in 2006/07 to 7351 in 2008/09. |
| For the period April – July 2009: <ul style="list-style-type: none"> • Domestic burglary rose by 7.1% compared with the same period last year; and • Theft of or from vehicles increased by just over 1% compared with the same period last year. |
| The Department is working in partnership with a range of organisations over a number of locally targeted publicity events, which help reinforce key community safety messages. |

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| Revised policing structures and numbers |
| No improvement: The priority action for this indicator is to carry out in 2009/10 a further value for money review of police numbers in preparation for the next spending review and by 2011 to have revised police structures in place in accordance with the timetable for implementation of the Review of Public Administration. |
| Following the PSNI Internal Strategic Review, and as part of the work to agree the budget for 2010/11 and the level of efficiencies to be required of PSNI, the Department will commission Her Majesty's Inspectorate of Constabulary to conduct a quality assurance of PSNI's plans for structural and compositional change. |

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| The level of more serious violent crime |
| No improvement: The target is to reduce the level of more serious violent crime recorded by the police by 31 March 2011. The latest available figures, for the 12 months ending 30 September 2009, is 2,231; up 41.7% on the 2007/08 baseline (1,575) and up 25.3% on the 12 months ending 30 September 2008 (1,683). In numeric terms, the main increases relate to more serious wounding, up 489 (81.1%) since baseline. |
| PSNI report that a significant part of the increase in serious violent crime is due to PSNI's response to the Home Office clarification of counting rules. This has serious implications for this indicator as consistent reporting is essential to securing a reliable baseline. In light of this, Ministers have initiated further work about how far it is possible to demonstrate statistically the degree to which the increase is due to the counting rules clarification or due to an underlying increase in serious violent crime. |

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| Levels of confidence in policing in all communities |
| No improvement: The target for this indicator is to increase confidence in policing. Northern Ireland Crime Survey (NICS) data for the 12 months ending 30 June 2009 shows that confidence in policing is at 79.6%, which is 'no statistically significant change' from baseline (79.4%) and the figure for the 12 months ending 30 June 2008 (79.3%). The target for this indicator is a 'statistically significant increase' in the confidence rating by 31 March 2011. |

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| Levels of police engagement with people in local communities |
| No improvement: The target for this indicator is to increase levels of police engagement with local people. Based on NICS data for the 12 months ending 30 June 2009, confidence levels in community engagement by the police and other agencies were 41.6%. |
| This shows no real change since the baseline for the 6 months ending 31 March 2008 (42.4%) and the figure for the 12 months ending 30 September 2008 (41.6%). The target is a statistically significant increase in the confidence rating by 31 March 2011. |

PART 2 CRIMINAL JUSTICE INSPECTION PUBLICATIONS

4. Criminal Justice Inspection Northern Ireland (CJI) is an independent, statutory inspectorate established in 2003 under section 45 of the Justice (Northern Ireland) Act 2002. It is a Non-Departmental Public Body (NDPB) in the person of the Chief Inspector. It describes itself as '...one-of a-kind...the only unified inspectorate in the United Kingdom or Ireland that can look at all the agencies that make up the criminal justice system apart from the judiciary'.
5. Agencies which CJI can inspect include the police service, prison service, prosecution service, youth justice services and the courts. The Chief Inspector reports to the Minister for Justice since the devolution of policing and justice powers on 12th April 2010. Prior to this, the Chief Inspector reported to the Secretary of State for Northern Ireland.
6. Information is provided below on a number of areas for improvement which have been highlighted in recent (2008/09) CJI publications.
7. *Policing with the Community: An inspection of policing within the community in Northern Ireland (April 2009)*⁴
Findings
 - Significant challenges ahead to implement the critical dimensions
 - of community policing.
 - This means more effective call management and making community
 - policing central to the work of every police officer.
 - Policing with the Community not regarded as the core function of every police station.
8. *Public Prosecution Service for Northern Ireland Follow-Up Inspection (June 2009)*⁵
Findings
 - Most progress in legal areas – decision making assessed as sound.
 - Only some progress on efficiency/management agenda.
 - Treatment of victims and witnesses required further development.
 - The inspection found that prosecutorial decision making remained sound with 93% of cases complying with the evidential and public interest tests contained in the Code of Public Prosecutors. Significant effort had been

⁴ <http://www.cjini.org/CJNI/files/cc/ccae1ea9-133f-4199-8c29-0ff8b48206b6.pdf>

⁵ <http://www.cjini.org/CJNI/files/6a/6a51c9e7-9041-43fc-a511-2e3487ffc915.pdf>

made to reduce the use of Counsel with considerable savings being made. However the inspection highlighted that the Public Prosecution Service (PPS) could improve communication with victims and their representatives; this could be achieved by personalised rather than standardised letters of explanation.

- The inspection suggested that overall the PPS 'must ensure it is able to operate effectively to act as a catalyst for improvement in the overall quality and timeliness of the service the justice system provides to the public'⁶ owing to its place at the heart of the criminal justice system. A key role for the organisation must be to influence change and contribute to the modernisation of the justice system

9. *Coroners Service for Northern Ireland Follow-Up Inspection (November 2009)*⁷
Findings

- Considerable progress made in relation to meeting recommendations from previous studies.
- Service to bereaved families particularly good.
- Concerns remain on areas outside the control of the Coroners Service – including State Pathology.

10. *Section 75: The impact of Section 75 of the Northern Ireland Act 1998 on the criminal justice system (May 2009)*⁸
Findings

- Monitoring is central to the delivery of the equality agenda – very limited data exists.
- Concerns raised in relation to the employment profile of prison staff and the treatment of prisoners based on religious background.

11. *The Enforcement of Fines (March 2010)*⁹
Findings

- Subject to judicial discretion, the norm should be that fines should be payable within seven days, instead of the current 28 days, to enable court staff to establish contact with defaulters as quickly as possible.
- The PSNI should continue to be responsible for dealing with the persistent defaulter. They should see it as an integral part of *Policing with the Community*, enabling them to demonstrate publicly that the law is being enforced.
- A new, stricter regime for the payment of fines should be introduced, designed to maximise compliance and minimise recourse to police enforcement and imprisonment.

⁶ <http://www.cjini.org/getdoc/436b9a4f-2e65-47b6-bbab-043ccb1691e6/Inspectorates-assess-progress-of-Public-Prosecutio.aspx>

⁷ <http://www.cjini.org/CJNI/files/6a/6a51c9e7-9041-43fc-a511-2e3487ffc915.pdf>

⁸ <http://www.cjini.org/CJNI/files/37/3770d86c-d019-4199-95e9-89491e6e8e8f.pdf>

⁹ <http://www.cjini.org/CJNI/files/d1/d11d51ea-501e-45ea-bfe8-0c92f831830d.pdf>

12. *Police Custody: The detention of persons in police custody in Northern Ireland (June 2009)*¹⁰
Findings

- The PSNI should ensure that staff can access all relevant policy documents relating to police custody via a centralised location, including the SDHP, and that custody staff are aware of this facility and its importance.
- Officers should be dedicated to the role of Custody Sergeant, and have priority access to places on the custody course and refresher training, as well as handover briefing time built into their working patterns.
- The PSNI puts in place organisational arrangements for the support of Custody Sergeants to ensure greater consistency in role and practice across the service.

13. *Inspection of Forensic Science Northern Ireland (July 2009)*¹¹
Findings

- FSNI emerging with a renewed focus on delivering an effective forensic science service.
- Management challenges remain around working practices and demonstrating value for money.
- Need for a more strategic view on the role of forensic science and the role it plays across the system.

PART 3 NORTHERN IRELAND AFFAIRS COMMITTEE 7TH REPORT

14. A recent report by the House of Commons Northern Ireland Affairs Committee entitled 'Progress towards devolution in Northern Ireland during the 2005 parliament'¹² outlined issues, listed below, that the Minister of Justice should seek to address. The report highlighted issues that were relevant to various parts of the criminal justice system.

15. The role of the Public Prosecution Service in driving change in the criminal justice system was highlighted in the report. The Committee also noted that the DPP would receive new powers and would have to develop new working relationships. These points were illustrated by comments from Acting Director of Public Prosecutions, who told the Committee that:

the principal administrative issues for the service will lie in developing new relationships with the Attorney General for Northern Ireland and the Advocate General, a new post. The service will also obtain several new duties, including the power to refer unduly lenient sentences to the Court of Appeal.¹³

16. The Committee report also highlighted the role of the Northern Ireland Judicial Appointments Commission (NIJAC) in increasing the diversity of the judiciary by the appointment of more women, particularly in the higher echelons of the

¹⁰ <http://www.cjini.org/CJNI/files/3d/3d4f79c9-b015-4919-a9a2-416247266efa.pdf>

¹¹ <http://www.cjini.org/CJNI/files/35/35679521-aff7-4466-8447-279a311e6112.pdf>

¹² <http://www.parliament.the-stationery-office.co.uk/pa/cm200910/cmselect/cmniaf/319/31902.htm>

¹³ <http://www.parliament.the-stationery-office.co.uk/pa/cm200910/cmselect/cmniaf/319/31905.htm#a8>

judiciary. The Director of the Northern Ireland Court Service told the Committee that the 'glass ceiling, if it is one, seems to have been hard to penetrate at High Court level and above.'¹⁴

17. In relation to the cost of legal aid, the report noted its 'almost exponential growth...but without any increase in the number of cases dealt with'.¹⁵ The Committee observed that the greater use of senior counsel was significant in the high cost of legal aid due 'to the fact that senior counsel-QCs- appear more frequently in Northern Ireland than England and Wales'.¹⁶
18. The report stated that, in relation to reducing the cost of legal aid, the Director of the Northern Ireland Court Service:

offered two options by which this cost might be reduced in the coming years: greater adoption of standard fees, rather than appearance fees, for lawyers in criminal cases, and greater emphasis on contributions from defendants, particularly those who, while legal aided, are revealed, during their trials, to have the necessary means to pay.¹⁷

19. With regard to the prison population, the report highlighted that 33% of prisoners in Northern Ireland are held on remand as compared to about 17% in England and Scotland. This was the result of, and compounded by, delay in the criminal justice system and the report noted that this must be a priority for the new Justice Minister:

The need to reduce the proportion of prisoners on remand in Northern Ireland's prisons, and by extension the delays within the criminal justice system that are often responsible for keeping them there longer than is desirable (a matter highlighted in our report on the Northern Ireland Prison Service), must be among the high-priority matters to be dealt with by the new Justice Minister after devolution of policing and justice.¹⁸

20. The Committee reported on the role played by the Probation Board for Northern Ireland in dealing with levels of re-offending and noted the lower re-offending rate as the result of community sentences, stating:

The overall reconviction rate in Northern Ireland in the year to the end of April 2008 was 31 per cent, allowing the Probation Board to report in its annual report that nearly 7 in 10 people did not reoffend. In addition, among those sentenced to community service rather than custody, the reconviction rate within two years was 25 per cent, meaning 3 in 4 did not reoffend in that period. The Board believes this demonstrates the value and impact of its supervision work within the community.¹⁹

21. In relation to the issue of legal aid raised by the Committee, it is worth noting that, in response to a parliamentary question, Lord Bach, Parliamentary Under-

¹⁴ See above

¹⁵ See above

¹⁶ See above

¹⁷ See above

¹⁸ <http://www.parliament.the-stationery-office.co.uk/pa/cm200910/cmselect/cmniaf/319/31905.htm#a8>

¹⁹ See above

Secretary of State at Ministry of Justice recently outlined the expenditure on legal aid in Northern Ireland as compared to England and Wales. In 2008-09 legal aid expenditure in Northern Ireland totalled £83m at a cost of £46.76 per capita whilst in the same financial year the legal aid expenditure in England and Wales was £2,099m at a cost of £38.55 per capita.²⁰

22. In relation to re-offending rates the two year reconviction rate for the 2005 cohort of offenders in Northern Ireland was 42.8%, with the highest re-offending rates for burglary, robbery and indictable motoring offences; which had an above average rate of over 50%. Further data on re-offending rates is available in Annex 2 at figure 7.8. In England and Wales the re-offending rate for the 2008 cohort was 40.1%.²¹
23. The Northern Ireland Affairs Committee highlighted the issue of a lack of diversity in the judiciary and this is illustrated, as of 1st January 2009, by figures which show that although 44% of the judiciary are women, there are no High court judges and only four out of seventeen County court judges are women.²² A similar situation exists in England and Wales in relation to the higher echelons of the judiciary with only one woman holding the office of Lord of Appeal in Ordinary and three holding the office of Lord Justice of Appeal; in percentage terms this equates to 8.33% and 7.89% respectively.²³ Furthermore only fifteen women hold the office of High court judge which equates to 13.76%.²⁴

PART 4 RECENT CONSULTATION EXERCISES

24. Part 4 highlights five recent consultations carried by the NIO and one consultation by the Law Commission. These consultations cover a range of challenging issues that the criminal justice system faces.
25. Given their relevance to the new Justice Department, information on relevant consultation documents published by the Northern Ireland Office since July 2009 is provided below. It would appear that a forthcoming Justice Bill (possibly entitled 'Miscellaneous Provisions Bill') will contain provisions in relation to some of the consultations such as sporting offences, alternatives to prosecution, and improved services to victims.
26. *Community Safety in Northern Ireland Consultation – Summary of responses to Together, Stronger and Safer (July 2009)*²⁵
The document contained three cross-cutting themes:²⁶
- Creating safer neighbourhoods;
 - Focus on families and young people; and
 - Building strong, confident communities.

²⁰ <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100315w0004.htm>

²¹ <http://www.justice.gov.uk/publications/docs/reoffending-adults-2008-cohort.pdf>

²² NIJAC – A guide to judicial careers in Northern Ireland
http://www.law.qub.ac.uk/schools/SchoolofLaw/Education/handbooks/Filetoupload_150353_en.pdf

²³ <http://www.judiciary.gov.uk/>

²⁴ See above

²⁵ http://www.nio.gov.uk/community_safety_together_stronger_safer_-_summary_of_responses.pdf

²⁶ See above

27. *Sports Law and Spectator Controls Consultation (July 2009)*²⁷

Great Britain already has very specific legislation to deal with behaviour at and in an around sports grounds; the areas to be examined for Northern Ireland include-²⁸

- Offences of offensive chanting and missile throwing and unauthorised pitch incursion;
- Offences relating to alcohol, being drunk, having bottles and flares at sporting events and in transport to and from matches;
- Offence of ticket touting for soccer matches; and
- A soccer banning order regime for Northern Ireland.

28. *Consultation on a revised Code of Practice for Victims and Witnesses of Crime (August 2009)*²⁹

The introduction to this consultation document outlined the role of the Code of Practice and how it should be enacted to help those who have to come into contact with the workings and organisations of the criminal justice system. The consultation document stated that:

This code of practice is an agreement between us, the various organisations and people working in the criminal justice system, about how you should expect to be treated if you become a victim or witness of crime. We will aim to make sure that you receive information and support to help you during your involvement with us, and we will treat you with dignity, respect and sensitivity.³⁰

29. *Alternatives to prosecution – Summary of responses (October 2009)*³¹

The consultation was prompted by the growing recognition that prosecuting minor offences through the courts is not always the most effective or proportionate outcome. Alternatives outlined included fixed penalty fines, prosecutorial fines and cautions with the aims of rehabilitating offenders through the imposition of certain conditions or by offenders making reparations to victims. The consultation was also driven by concern over the diversion of police resources that could be utilised more effectively on the front-line rather than on administration.

30. *Fine Default in Northern Ireland – Summary of responses and way forward (October 2009)*³²

The document stated that the intention of the consultation was to identify ways of making sure that fines are paid and end the automatic

²⁷ http://www.nio.gov.uk/sports_law_and_spectator_controls_-_a_consultation_undertaken_by_the_northern_ireland_office.pdf-2.pdf

²⁸ http://www.nio.gov.uk/sports_law_and_spectator_controls_-_a_consultation_undertaken_by_the_northern_ireland_office.pdf-2.pdf

²⁹ http://www.nio.gov.uk/consultation_on_a_revised_code_of_practice_for_victims_and_witnesses_of_crime.pdf

³⁰ See above

³¹ http://www.nio.gov.uk/alternatives_to_prosecution_consultation_-_summary_of_responses_october_2009.pdf

³² http://www.nio.gov.uk/fine_default_consultation_-_summary_of_responses_and_way_forward.pdf

imprisonment of fine defaulters at an annual cost of around £1million. The consultation outlined that 'many of the 1800-2000 individuals who go to prison for fine default go into custody for relatively small sums and in respect of relatively minor offences.'³³

Furthermore the consultation document suggested that 'prison should be reserved for the most serious offenders, so we want to create a more efficient, effective and affordable system.'³⁴ This can free resources to be utilised in other areas.

NORTHERN IRELAND LAW COMMISSION

31. The Commission without being an agency of the Department plays a key role in the criminal justice system. The Commission's role and 'its purpose is to keep the law of Northern Ireland under review and make recommendations for its systematic development and reform.'³⁵

32. The Northern Law Commission in the context of its current projects outlines that unlike England and the Republic of Ireland there is no specific piece of legislation that codifies the law in relation to Bail. This would be an opportunity not only to consolidate the existing law but also to assess whether there are any weaknesses in the current system of bail. Reform of the law and procedures relating to vulnerable witnesses in civil cases, for example giving of evidence by particular victims of domestic violence involved in family cases.³⁶

33. The Northern Ireland Law Commission outlines the reasoning behind the consultation regarding the law and practice in relation to bail in Northern Ireland:

Currently the law governing bail in Northern Ireland is to be found in diverse legislative enactments and common law sources. Unlike the position in other jurisdictions, including Great Britain and the Republic of Ireland, there is no enactment specifically dedicated to the law and procedure of bail and that enshrines the criteria governing the grant of bail. This project will aim to establish the blueprint for a single Bail Act that will render the law governing bail in this jurisdiction more accessible and more conducive to clear and principled decision making in an area of undoubted public importance. The project will also consider such administrative solutions as may be appropriate to run in tandem with the legislative scheme.³⁷

³³ See above

³⁴ See above

³⁵ <http://www.nilawcommission.gov.uk/about-us.htm>

³⁶ <http://www.nilawcommission.gov.uk/index/current-projects/bail-law.htm>

³⁷ <http://www.nilawcommission.gov.uk/index/current-projects/bail-law.htm>

ANNEX 1 RECORDED CRIME AND CLEARANCES

This annex contains information on recorded crime and clearances which is contained within the PSNI Annual Statistical Report – Report No. 1 – Recorded Crime and Clearances 1st April 2009 – 31st March 2009.³⁸

Top 10 most frequently recorded Offences from 2008/09;

| Crime | 2007/08 | 2008/09 | Increase |
|---|----------------|----------------|-----------------|
| Criminal damage/malicious damage offences | 28,127 | 25,866 | -8.0% |
| Offences against the person – AOABH | 13,439 | 12,696 | -5.5% |
| Theft – other thefts | 8,439 | 9,397 | 11.4% |
| Common assault/aggravated assault | 7,993 | 7,689 | -3.8% |
| Domestic burglary | 6,712 | 7,279 | 9.5% |
| Theft – vehicle crime | 6,731 | 6,777 | 0.7% |
| Theft – shoplifting | 5,257 | 6,214 | 18.2% |
| Non-domestic burglary | 4,874 | 4,981 | 2.2% |
| Drug offences | 2,720 | 2,974 | 9.3% |
| Assault on police | 2,827 | 2,856 | 1.0% |

Top 10 percentage increases in offences from 2008/09;

| Crime | 2007/08 | 2008/09 | Increase |
|--|----------------|----------------|-----------------|
| Forgery and counterfeiting | 124 | 315 | 154% |
| Other notifiable offences | 76 | 165 | 117% |
| Offences against the public order | 330 | 578 | 75% |
| Other frauds | 180 | 267 | 48% |
| Dangerous driving | 513 | 746 | 45% |
| Wounding with intent/GBH with intent | 546 | 791 | 45% |
| Offences under anti-terrorism legislation | 5 | 7 | 40% |
| Aggravated burglary other than in a dwelling | 8 | 11 | 38% |
| Hijacking | 92 | 125 | 36% |
| Explosives offences endangering life | 6 | 17 | 11% |

Further details of offences recorded and cleared 2007/08 and 2008/09, which are contained in the report, are included below.

³⁸ <http://www.psni.police.uk/1.08.09.recorded.crime.pdf>

Table 1.2: Recorded Crime: Offences Recorded and Cleared 2007/08 and 2008/09

| | Total offences recorded | | | | Total offences cleared | | Clearance rate (%) | | |
|---|-------------------------|---------------|-------------|-------------|------------------------|--------------|--------------------|-------------|------------------------------|
| | 2007/08 | 2008/09 | change | % change | 2007/08 | 2008/09 | 2007/08 | 2008/09 | change in % pts ² |
| Offences against the person (class 1) | | | | | | | | | |
| Murder | 25 | 24 | -1 | -4.0 | 16 | 20 | 64.0 | 83.3 | +19.3 |
| Manslaughter | 5 | 2 | -3 | -60.0 | 6 | 1 | 120.0 | 50.0 | -70.0 |
| Infanticide | 0 | 0 | 0 | - | 0 | 0 | - | - | - |
| Causing/allowing death of vulnerable person | 1 | 1 | 0 | 0.0 | 0 | 0 | 0.0 | 0.0 | 0.0 |
| Attempted murder | 134 | 124 | -10 | -7.5 | 68 | 61 | 50.7 | 49.2 | -1.6 |
| Threat or conspiracy to murder | 1,828 | 2,104 | +276 | +15.1 | 591 | 766 | 32.3 | 36.4 | +4.1 |
| Causing death/GBH by dangerous driving or aggravated vehicle taking | 52 | 67 | +15 | +28.8 | 42 | 67 | 80.8 | 100.0 | +19.2 |
| Wounding with intent/GBH with intent | 546 | 791 | +245 | +44.9 | 235 | 314 | 43.0 | 39.7 | -3.3 |
| Wounding/GBH | 756 | 935 | +179 | +23.7 | 169 | 236 | 21.0 | 25.2 | +4.2 |
| AOABH | 13,439 | 12,868 | -743 | -5.5 | 3,181 | 3,268 | 23.7 | 25.7 | +2.0 |
| Common assault/aggravated assault | 7,993 | 7,689 | -304 | -3.8 | 1,474 | 1,598 | 18.4 | 20.8 | +2.3 |
| Assault on police | 2,827 | 2,856 | +29 | +1.0 | 2,253 | 2,662 | 79.7 | 92.9 | +13.2 |
| Intimidation | 566 | 543 | -23 | -4.1 | 43 | 53 | 7.6 | 9.8 | +2.2 |
| Harassment | 1,269 | 1,456 | +187 | +14.7 | 147 | 166 | 11.6 | 11.4 | -0.2 |
| Explosives offences endangering life | 6 | 17 | +11 | +183.3 | 2 | 2 | 33.3 | 11.8 | -21.6 |
| Firearms offences endangering life | 49 | 38 | -11 | -22.4 | 25 | 15 | 51.0 | 39.5 | -11.5 |
| Other offences against the person | 84 | 125 | +41 | +48.8 | 16 | 24 | 19.0 | 19.2 | +0.2 |
| Totals | 29,580 | 29,468 | -112 | -0.4 | 8,258 | 9,233 | 27.9 | 31.3 | +3.4 |
| Sexual offences¹ (class 2) | | | | | | | | | |
| Rape | 382 | 381 | -1 | -0.3 | 60 | 77 | 15.7 | 20.2 | +4.5 |
| Attempted rape | 38 | 23 | -15 | -39.5 | 10 | 8 | 26.3 | 34.8 | +8.5 |
| Sexual assault/Sexual activity | 993 | 1,134 | +141 | +14.2 | 147 | 223 | 14.8 | 19.7 | +4.9 |
| Exposure | 299 | 270 | -29 | -9.7 | 84 | 76 | 28.1 | 28.1 | +0.1 |
| Other sexual offences | 110 | 135 | +25 | +22.7 | 56 | 78 | 50.9 | 57.8 | +6.9 |
| Totals | 1,822 | 1,943 | +121 | +6.6 | 357 | 462 | 19.6 | 23.8 | +4.2 |
| Burglary (class 3) | | | | | | | | | |
| Domestic Burglary (Total) | 6,712 | 7,351 | +639 | +9.5 | 673 | 729 | 10.0 | 9.9 | -0.1 |
| Burglary in a dwelling | 6,838 | 7,279 | +441 | +9.7 | 665 | 708 | 9.9 | 9.7 | -0.1 |
| Aggravated burglary in a dwelling | 74 | 72 | -2 | -2.7 | 18 | 21 | 24.3 | 29.2 | +4.8 |
| Non-Domestic Burglary (Total) | 4,874 | 4,981 | +107 | +2.2 | 529 | 679 | 10.9 | 13.6 | +2.8 |
| Burglary in a building other than a dwelling | 4,866 | 4,970 | +104 | +2.1 | 526 | 678 | 10.8 | 13.6 | +2.8 |
| Aggravated burglary other than in a dwelling | 8 | 11 | +3 | +37.5 | 3 | 1 | 37.5 | 9.1 | -28.4 |
| Going equipped | 112 | 142 | +30 | +26.8 | 80 | 84 | 71.4 | 59.2 | -12.3 |
| Totals | 11,698 | 12,474 | +776 | +6.6 | 1,282 | 1,492 | 11.0 | 12.0 | +1.0 |

Table 1.2: Recorded Crime: Offences Recorded and Cleared 2007/08 and 2008/09 continued

| | Total offences recorded | | | | Total offences cleared | | Clearance rate (%) | | |
|--|-------------------------|---------------|---------------|--------------|------------------------|--------------|--------------------|-------------|------------------------------|
| | 2007/08 | 2008/09 | change | % change | 2007/08 | 2008/09 | 2007/08 | 2008/09 | change in % pts ² |
| Robbery (class 4) | | | | | | | | | |
| Robbery | 607 | 660 | +43 | +7.1 | 85 | 85 | 14.0 | 13.1 | -0.9 |
| Armed robbery | 444 | 508 | +64 | +14.4 | 100 | 108 | 22.5 | 20.9 | -1.7 |
| Hijacking | 92 | 125 | +33 | +35.9 | 20 | 19 | 21.7 | 15.2 | -6.5 |
| Totals | 1,143 | 1,283 | +140 | +12.2 | 205 | 210 | 17.9 | 16.4 | -1.6 |
| Theft (class 5) | | | | | | | | | |
| Theft, one person from another | 791 | 637 | -154 | -19.5 | 27 | 39 | 3.4 | 6.1 | +2.7 |
| Theft in a dwelling | 565 | 531 | -34 | -6.0 | 66 | 45 | 11.7 | 8.5 | -3.2 |
| Theft by an employee | 328 | 342 | +14 | +4.3 | 164 | 138 | 47.0 | 40.4 | -6.6 |
| Theft of pedal cycles | 861 | 998 | +135 | +15.7 | 23 | 29 | 2.7 | 2.9 | +0.2 |
| Shoplifting | 5,267 | 6,214 | +957 | +18.2 | 2,704 | 3,169 | 51.4 | 51.0 | -0.4 |
| Vehicle Crime (Total) | 6,731 | 6,777 | +46 | +0.7 | 618 | 669 | 12.2 | 12.6 | +0.7 |
| Theft from motor vehicles | 3,395 | 3,823 | +428 | +12.6 | 165 | 155 | 4.9 | 4.1 | -0.8 |
| Theft or unauthorised taking of motor vehicles | 3,336 | 2,954 | -382 | -11.5 | 663 | 714 | 19.6 | 24.2 | +4.6 |
| Vehicle tampering/interference | 1,570 | 1,127 | -443 | -28.2 | 170 | 146 | 10.8 | 13.0 | +2.1 |
| Handling of stolen goods | 191 | 220 | +29 | +15.2 | 127 | 135 | 66.5 | 61.4 | -5.1 |
| Other thefts | 8,439 | 9,397 | +958 | +11.4 | 446 | 575 | 5.3 | 6.1 | +0.8 |
| Totals | 24,733 | 26,241 | +1,508 | +6.1 | 4,535 | 5,145 | 18.3 | 19.6 | +1.3 |
| Fraud and forgery (class 6) | | | | | | | | | |
| Deception | 968 | 1,198 | +230 | +23.8 | 325 | 371 | 33.6 | 31.0 | -2.6 |
| Forgery and counterfeiting | 124 | 315 | +191 | +154.0 | 61 | 121 | 49.2 | 38.4 | -10.8 |
| Making off without payment | 1,524 | 1,809 | +285 | +18.7 | 88 | 208 | 5.8 | 11.5 | +5.7 |
| Other frauds | 190 | 267 | +87 | +45.8 | 116 | 129 | 64.4 | 49.3 | -15.1 |
| Totals | 2,796 | 3,589 | +793 | +28.4 | 590 | 829 | 21.1 | 23.1 | +2.0 |
| Criminal damage (class 7) | | | | | | | | | |
| Arson | 2,244 | 2,002 | -242 | -10.8 | 149 | 120 | 6.6 | 6.0 | -0.6 |
| Petrol bombing offences | 63 | 32 | -31 | -49.2 | 10 | 9 | 15.9 | 28.1 | +12.3 |
| Explosives offences | 13 | 13 | 0 | 0.0 | 2 | 2 | 15.4 | 15.4 | 0.0 |
| Criminal damage/malicious damage offences | 28,127 | 25,868 | -2,261 | -8.0 | 2,744 | 2,761 | 9.8 | 10.6 | +0.9 |
| Other criminal damage offences | 448 | 508 | +60 | +13.4 | 98 | 149 | 21.9 | 29.3 | +7.5 |
| Totals | 30,895 | 28,421 | -2,474 | -8.0 | 3,003 | 3,031 | 9.7 | 10.7 | +0.9 |

Table 1.2: Recorded Crime: Offences Recorded and Cleared 2007/08 and 2008/09 continued

| | Total offences recorded | | | | Total offences cleared | | Clearance rate (%) | | |
|---|-------------------------|----------------|---------------|--------------|------------------------|---------------|--------------------|-------------|------------------------------|
| | 2007/08 | 2008/09 | change | % change | 2007/08 | 2008/09 | 2007/08 | 2008/09 | change in % pts ² |
| Offences against the state (class 8) | | | | | | | | | |
| Offences under anti-terrorism legislation | 5 | 7 | +2 | +40.0 | 2 | 3 | 40.0 | 42.9 | +2.9 |
| Firearms offences | 100 | 107 | +7 | +7.0 | 62 | 64 | 62.0 | 59.8 | -2.2 |
| Offences under the Public Order (NI) Order | 695 | 713 | +18 | +2.6 | 457 | 524 | 65.8 | 73.5 | +7.7 |
| Other offences against the public order | 330 | 578 | +248 | +75.2 | 87 | 115 | 26.4 | 19.9 | -6.5 |
| Totals | 1,130 | 1,405 | +275 | +24.3 | 608 | 706 | 53.8 | 50.2 | -3.6 |
| Other notifiable offences (class 9) | | | | | | | | | |
| Blackmail | 52 | 49 | -3 | -5.8 | 10 | 8 | 19.2 | 16.3 | -2.9 |
| Kidnapping and false imprisonment | 89 | 91 | +22 | +31.9 | 10 | 23 | 14.5 | 25.3 | +10.8 |
| Drug offences (Total) | 2,720 | 2,974 | +254 | +9.3 | 2,064 | 2,435 | 75.9 | 81.9 | +6.0 |
| Trafficking offences | 529 | 607 | +78 | +14.7 | 433 | 451 | 81.9 | 74.3 | -7.6 |
| Non-Trafficking offences | 2,191 | 2,367 | +176 | +8.0 | 1,631 | 1,984 | 74.4 | 83.8 | +9.4 |
| Dangerous driving | 513 | 746 | +233 | +45.4 | 478 | 746 | 92.8 | 100.0 | +7.2 |
| Breach of orders | 1,241 | 1,245 | +4 | +0.3 | 789 | 877 | 63.6 | 70.4 | +6.9 |
| Other notifiable offences | 76 | 165 | +89 | +117.1 | 38 | 84 | 50.0 | 50.9 | +0.9 |
| Totals | 4,671 | 5,270 | +599 | +12.8 | 3,387 | 4,173 | 72.5 | 79.2 | +6.7 |
| Violent Crime (classes 1, 2 and 4) | 32,545 | 32,694 | +149 | +0.5 | 8,820 | 9,905 | 27.1 | 30.3 | +3.2 |
| Grand Total (all classes) | 108,468 | 110,094 | +1,626 | +1.5 | 22,225 | 25,281 | 20.5 | 23.0 | +2.5 |

¹ New sexual offence legislation was introduced to Northern Ireland on 2nd February 2009. The sexual offence categories have now been revised to enable comparability of the new offences with those recorded under the previous legislation. The categories of rape and attempted rape remain unaffected.

² While the clearance rates are rounded to one decimal place, the clearance rate change in % pts is calculated on the unrounded clearance rates and then rounded to one decimal place.

Other tables available in the Recorded Crime and Clearance Report 08/09 report include:

- Table 1.3: Recorded Crime: Offences Recorded and Cleared by District: 2007/08 and 2008/09;
- Table 1.4: Recorded Crime: Offences Recorded and Cleared by Area 2007/08 and 2008/09 and;
- Table 1.5: Recorded Crime: Offences Cleared by Method of Clearance 2007/08 and 2008/09

POLICE RECORDING OF CRIME – DEFINITIONS

Recorded Crime

Recorded crime figures (sometimes referred to as notifiable offences) detail those crimes and offences (including attempts) recorded by the police which are deemed to be indictable or triable-either-way. Certain closely associated summary offences are also counted in the recorded crime figures.

Indictable offences are those more serious crimes which are tried on indictment in the Crown Court by a judge and jury;

Triable-either-way offences are those offences which, under certain circumstances, are triable either summarily in a magistrates court or on indictment in the Crown Court;

Summary offences are less serious and are tried in a Magistrates Court before a resident magistrate with no jury.

The number of crimes recorded by the police is dependent on two factors:

- Whether the victim or a representative of the victim brings that crime to the attention of the police or on the crime coming to the attention of the police through some other means (such as the police officer being present at the time);
- Whether that incident is determined as being a recordable offence within the categories laid down by the Home Office in the official counting rules.

Clearances

Clearances (or detections as they may alternatively be known) are, broadly speaking, those crimes that have been 'cleared up' by the police. Crimes are counted as 'cleared or detected' in accordance with strict counting rules issued by the Home Office. They are counted on the basis of crimes rather than offenders. For example, if six offenders are involved in a robbery and are all arrested and charged, then this counts as one clearance (i.e. the robbery is deemed to be 'cleared'). Alternatively if only one of the six is identified and charged while the other five remain unidentified and at large, this also means that the robbery can still be deemed as 'cleared'.

The following methods of clearance involve a formal sanction:

- Charging or issuing a summons to an offender;
- Issuing a caution to the offender;
- Having the offence accepted for consideration in court;
- The offender is a juvenile who is dealt with by means of an informed warning, restorative caution or prosecutorial diversion.

In addition, for the most serious offence types ('indictable only' – see recorded crime paragraph above for explanation) a non sanction clearance can be claimed if:

- The Public Prosecution Service (PPS) directs no prosecution; or
- The case cannot proceed because the offender has died.

Recent Changes in the Recording of Clearances

Prior to April 2006 a variety non sanction clearances could be claimed where police took no further action, the main one being where the victim declined to prosecute. At that time these clearance types accounted for around 50% of the PSNI's total clearance rate.

However, since then some major changes have been introduced which have substantially limited the clearance options open to the PSNI.

In April 2006, a higher evidential standard was adopted within the PSNI following the establishment of the Public Prosecution Service in Northern Ireland. Then in April 2007 the Home Office significantly restricted the clearance types available to the police, which meant that virtually all non sanction clearances could no longer be claimed as a valid clearance. Both of these changes had the impact of greatly reducing the number of non sanction clearances to such an extent that the PSNI overall clearance rate and its sanction clearance rate and now virtually one and the same (only a very small proportion of non sanction clearances are now claimed each year).

Violent Crime

Violent crime comprises three main offence groupings: offences against the person, sexual offences and robbery. What violent crime offences have in common is that they involve actual violence or the threat of violence. The degree of violence varies considerably, even between incidents in the same classification. The large majority of incidents categorised as violent crime do not actually involve any significant injury to the victim, although some of the crimes not resulting in injury may still be traumatic for their victims eg threats to kill.

ANNEX 2 SELECTED INFORMATION ON THE NORTHERN IRELAND CRIMINAL JUSTICE SYSTEM.

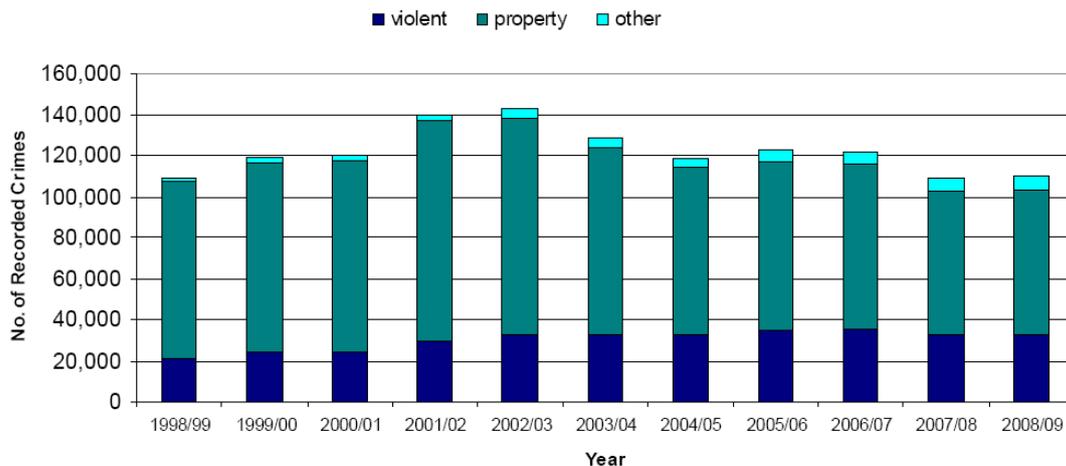
The 'Digest of Information on the Northern Ireland Criminal Justice System'.³⁹ is a comprehensive source of information on the criminal justice system. This annex contains selected extracts, figures, and tables from the most recent report relating to

- Recorded Crimes
- Perceptions of Crime and Personal Safety
- Compensation for Criminal Injuries
- Prosecutions
- Reoffending Behaviour
- Sentencing
- Custody

Crimes Recorded by the Police: Historical Trends

- New Home Office counting rules came into effect in April 1998 and the police now record crimes that were not previously part of official figures. For the first time, minor offences such as low value criminal damage and common assaults were recorded. Figures prior to April 1998 are not directly comparable.
- Between 1998/99 and 2002/03, recorded crime levels in Northern Ireland increased by 31%, from 109,053 to 142,496, much of this relate to the introduction of a new National Crime Recording Standard in 2001/02. By 2007/08 the level of recorded crime had fallen by 24%, to 108,468, the lowest level of recorded crime in Northern Ireland since the new counting rules were introduced, before rising again to 110,094 in 2008/09 (Figure 2.1).
- The recorded crime rate per 100,000 population has risen from 6,166 in 2007/08 to 6,202 in 2008/09.

Figure 2.1: Crimes recorded by the police in Northern Ireland; 1998/99-2008/09



³⁹ http://www.nio.gov.uk/digest_of_information_on_the_northern_ireland_criminal_justice_system_10.pdf

Perceptions of Crime and Personal Safety

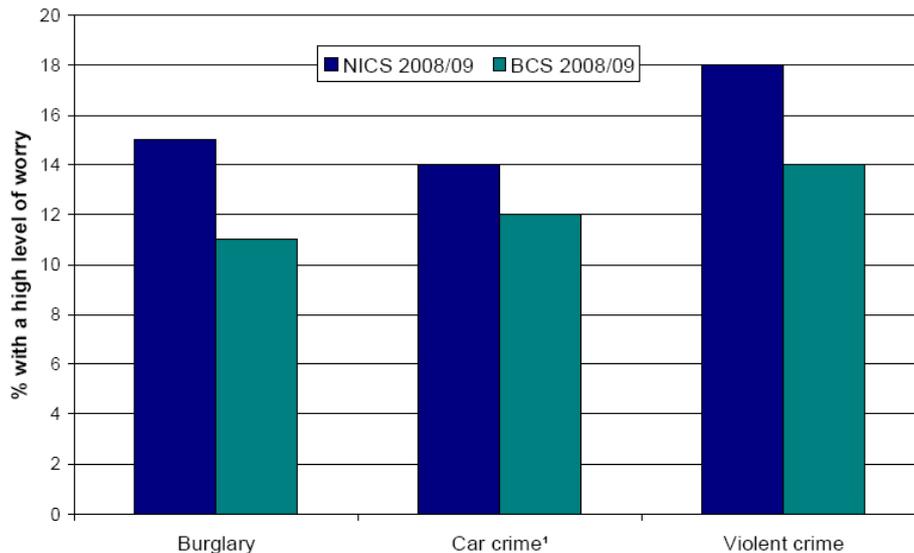
The Northern Ireland Crime Survey (NICS) measures concern about crime in three main ways: respondents' worry about crime and personal safety; their perceptions of the risk of victimisation; and perceptions of the effect of 'fear of crime' on quality of life.

Despite a lower prevalence of crime in Northern Ireland, respondents to NICS 2008/09 displayed higher levels of worry about each of the crime types examined than their counterparts in England and Wales (BCS 2008/09): violent crime (18% v 14%); burglary (15% v 11%) and car crime (14% v 12%) (Figure 3.9).

However, when asked about crime overall, an equal proportion of NICS 2008/09 and BCS 2008/09 respondents claimed to be 'very worried' (8%).

With regard to personal safety, NICS 2008/09 respondents were more likely to feel very worried about walking alone in their area after dark (10%) than being alone in their home at night (2%).

Figure 3.9: Worry about crime in Northern Ireland and England and Wales



Compensation for Criminal Injuries

The Compensation Agency operates the Criminal Injuries Compensation Scheme (CICS). A new Tariff Scheme came into effect in Northern Ireland on 1 May 2002 and an amended Tariff Scheme came into effect on 1 April 2009.

Victims may be entitled to claim compensation:

- for a personal injury, whether mental or physical;
- if a parent, child, husband, wife or partner has died as a result of a criminal injury;
- for loss of earnings or earning capacity as a result of a criminal injury.

Applications for compensation for criminal injuries increased by 7% to 5,307 in 2008/09, from 4,959 in 2007/08 (Figure 4.1). The number of awards made fell by 25%, from 2,132 to 1,596 over the same period.¹

The average² amount of compensation received by victims of criminal injury in 2008/09 was £11,394, down from £13,345 the previous year (Figure 4.2).

Figure 4.1: Number of applications and awards made for criminal injuries¹; 1997/98 – 2008/09

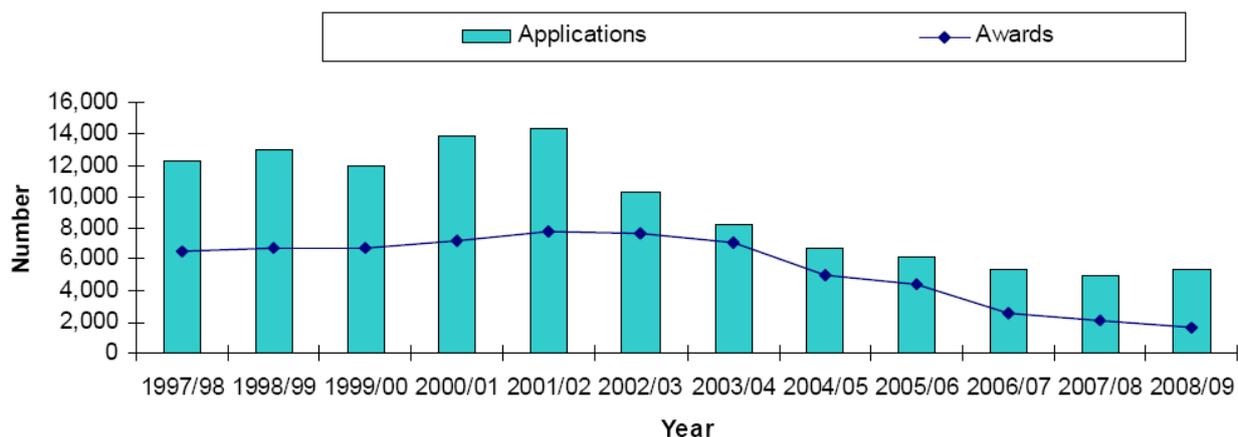
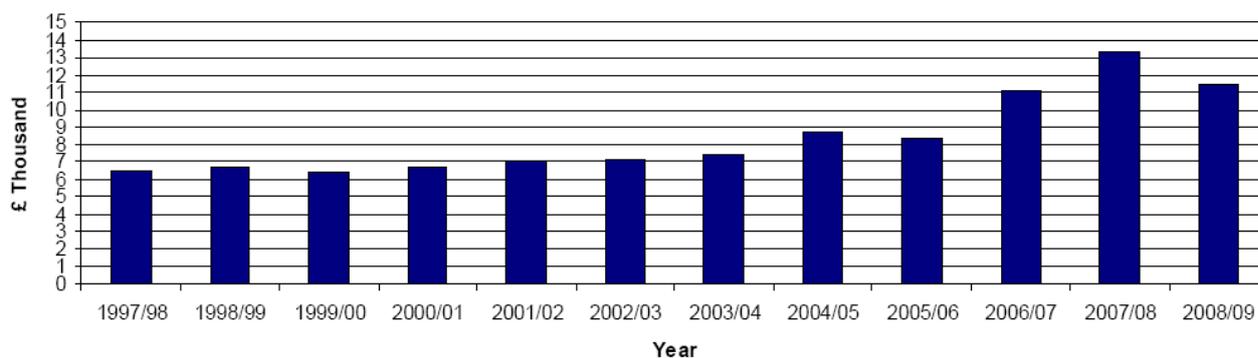


Figure 4.2: Average value of awards for criminal injury claims²; 1997/98 – 2008/09



Footnotes:

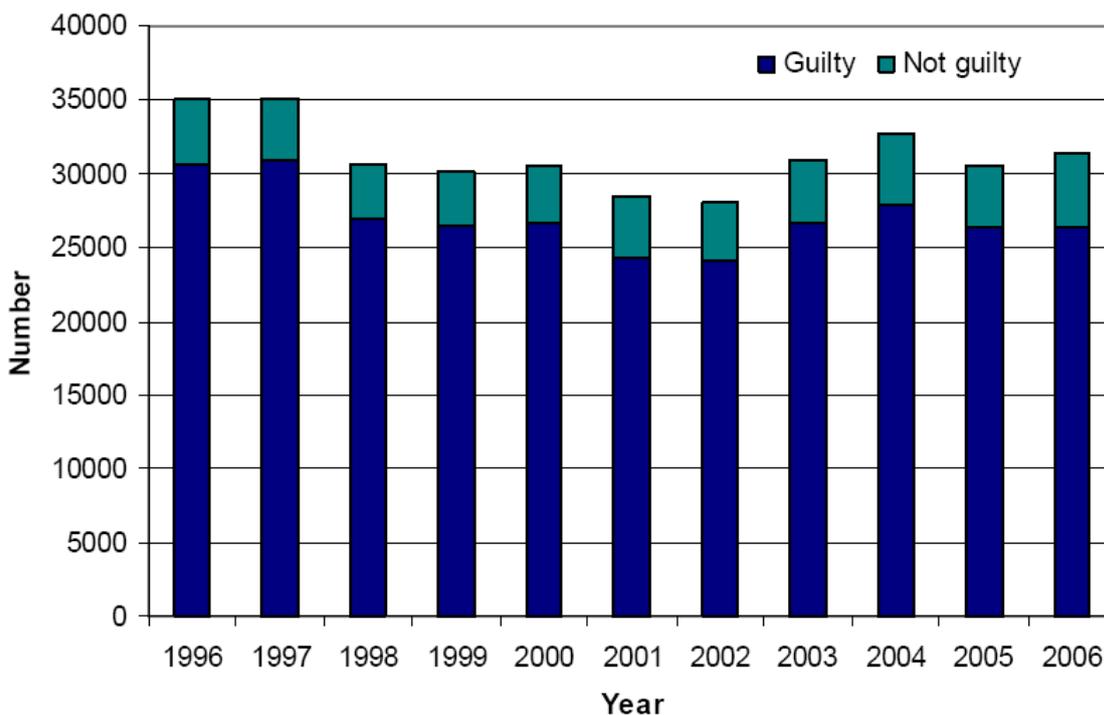
1. The figures for criminal injury compensation include data from both the new and old schemes.
2. The average value of awards reflects the total value of all payments made for claims that were finalised in each year. Some payments may have been processed in years preceding the year in which the claim was finalise.

Prosecutions: All courts

In 2006, 31,374 persons were proceeded against at the criminal courts in Northern Ireland, a 2% increase on 2005 (30,609).

- 84% (26,363) of all those proceeded against were found guilty (Figure 6.1).
- 87% (27,199) of all those prosecuted were male.
- Juveniles (10-17 year olds) accounted for 5% (1,643) of all those prosecuted.

Figure 6.1: Persons proceeded against at all courts by finding; 1996-2006¹



Reoffending Behaviour

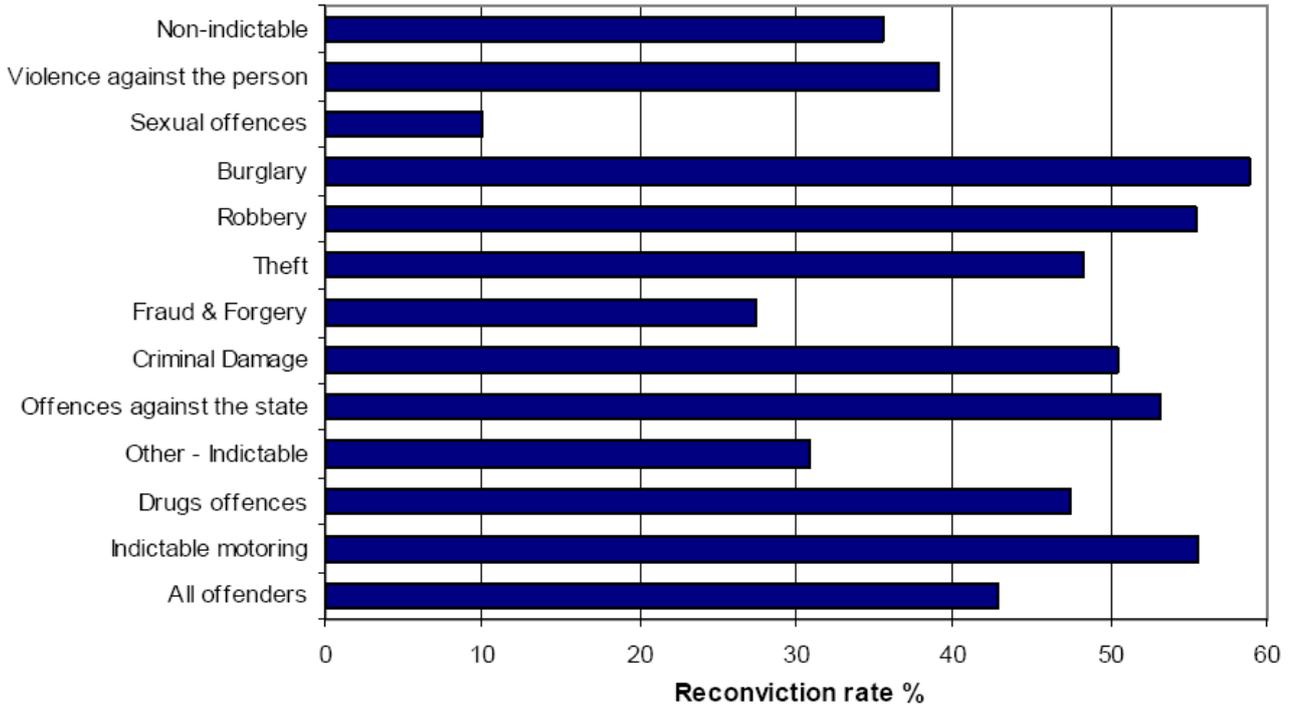
Reoffending has historically been measured by comparing the actual reconviction rate (used as a proxy measure for reoffending) against the predicted reconviction rate. The latest progress, based on the 2005 cohort, on this Public Service Agreement (PSA) was published in June 2008. The overall two year reconviction rate for the 2005 cohort of offenders (all adult and juvenile offenders) was 42.8%, and the predicted two year reconviction rate for the same cohort was 45.9%; this represents a reduction of 6.8%.

The overall reconviction rate is a composite of two distinct groups of offenders, those offenders who commenced community supervision and those who were released from custody. Of the 1,435 offenders commencing community supervision, 38.4% (551) were reconvicted within two years; the predicted reconviction rate for this cohort was 43.0%, representing a reduction of 10.7%. Of the 892 offenders released

from custody, 49.8% (444) were reconvicted within two years; the predicted reconviction rate for this cohort was 50.5%, representing a reduction of 1.4%.

Figure 7.8 details the two year reconviction rates of offenders discharged from custody or given a community disposal during 2005 following different types of offences.

Figure 7.8: Two year reconviction rate by baseline offence type (2005 cohort)



Sentencing

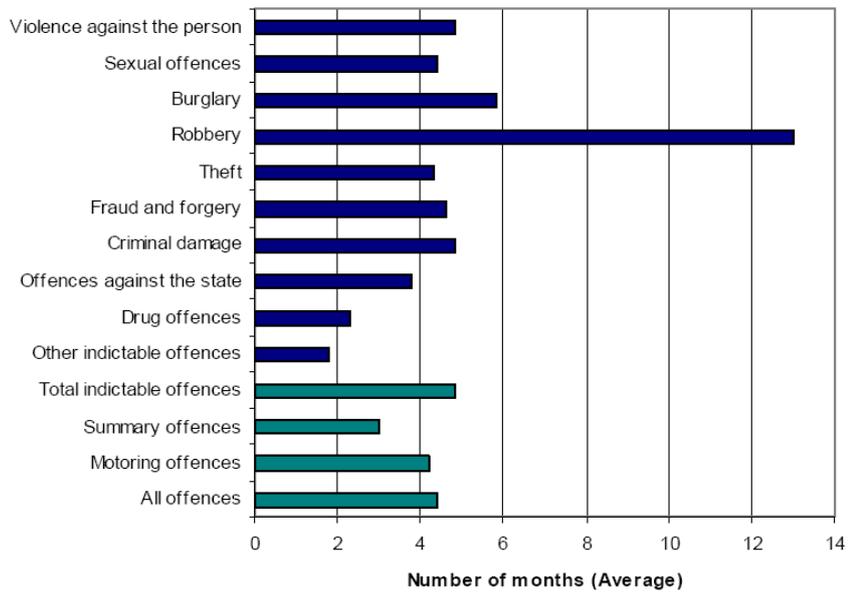
Magistrates' Courts Sentencing: Immediate Custody by Sentence Length

In 2006, the average sentence for those found guilty of any offence at magistrates' courts and sentenced to immediate custody was 4 months; for those found guilty of indictable offences only, the average sentence was 5 months (Figure 8.6).

At the magistrates' courts, robbery attracted the longest immediate custodial sentence of on average 13 months, whilst those found guilty of 'other' indictable offences were on average given the shortest period of immediate custody (2 months).

Those found guilty of motoring offences and sentenced to immediate custody received on average 4 months, while 3 months was given on average for summary offences.

Figure 8.6: Average sentence length for those given immediate custody at magistrates' courts; 2006



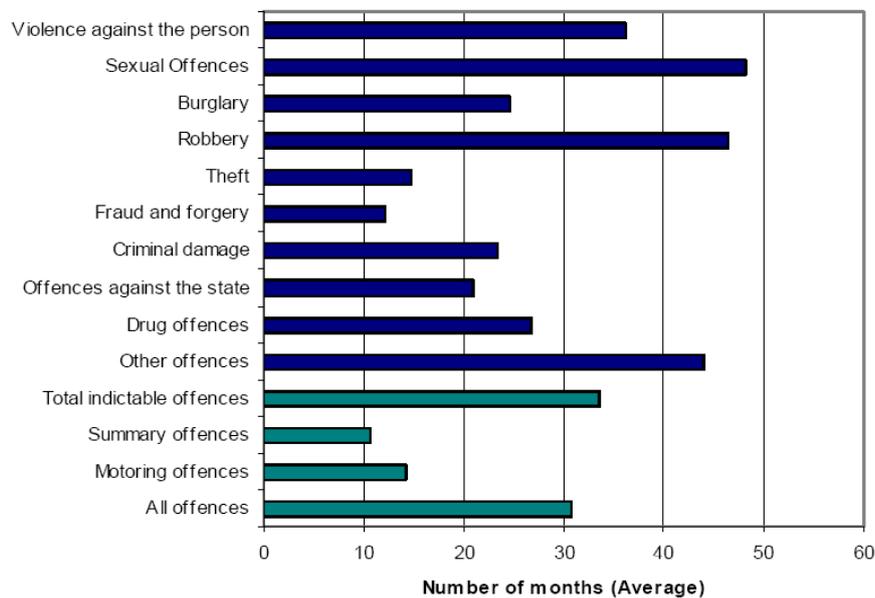
Crown Court Sentencing: Immediate Custody by Sentence Length

In 2006, the average immediate custodial sentence length given at the Crown Court (excluding life sentences) was 31 months (Figure 8.8).

When sentenced to immediate custody for indictable offences, those convicted of sexual offences (48 months) or robbery (46 months) were on average given the longest sentence. Those found guilty of fraud and forgery (12 months) were on average given the shortest terms of imprisonment.

The average custodial sentence for those convicted of motoring offences was 14 months while the average for summary offences was 11 months.

Figure 8.8: Average sentence length for those given immediate custody at the Crown Court; 2006¹

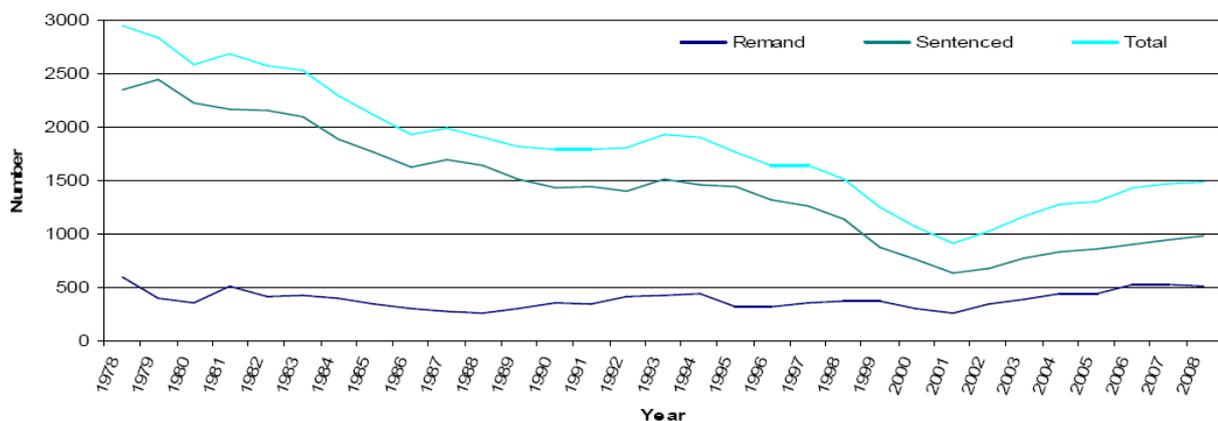


Custody

Average Prison Population

- The total average prison population in Northern Ireland increased by almost 2% from an average of 1,466 in 2007 to an average of 1,490 in 2008. This was the seventh consecutive annual average increase (Figure 11.1).
- The total number of receptions into prison increased by 2%, from 6,061 in 2007 to 6,185 in 2008

Figure 11.1: Average prison population by type of prisoner; 1978-2008



Average Prison Population by Prison Establishment

Table 11.1: Average population in prison establishments by type of prisoner; 2008

| Prisoner Type | Prison Establishment | | | | TOTAL ¹ |
|----------------------|----------------------|------------|---------------------|------------------------|--------------------|
| | Magilligan | Maghaberry | Hydebank Wood (YOC) | Hydebank Wood (Female) | |
| Remand | 0 | 389 | 93 | 24 | 506 |
| Fine defaulter | 0 | 17 | 3 | 2 | 21 |
| Immediate custody | 442 | 405 | 88 | 21 | 956 |
| Immigration detainee | 0 | 5 | 1 | 0 | 6 |
| TOTAL | 442 | 816 | 185 | 47 | 1490 |