

Summary of Recommendations

The following is a list of all the recommendations in this report:

Human Rights and Guiding Principles

- 1 We recommend that human rights issues should become a permanent and integral part of training programmes for all those working in criminal justice agencies, the legal professions and the relevant parts of the voluntary sector. [para. 3.25]
- 2 We endorse the Criminal Justice Board aims for 1999/2000 as a good model for the criminal justice system-wide set of aims: [para. 3.28]

Aim A

To dispense justice fairly and efficiently and to promote confidence in the criminal justice system

- (i) Provide fair and just criminal processes and outcomes.
- (ii) Improve service delivery by enhancing levels of effectiveness, efficiency and co-operation within the criminal justice system.
- (iii) Make the criminal justice system as open, inclusive and accessible as possible and enhance and promote public confidence in the administration of justice.

Aim B

To contribute to the reduction of crime and the fear of crime

- (i) Work co-operatively to help reduce crime.
- (ii) Reduce numbers of persons re-offending and frequency of re-offending for persistent offenders.
- (iii) Reduce levels of fear of crime.

- 3** We recommend that the aims of the criminal justice system be published, together with a criminal justice plan outlining measures to be taken in support of them and appropriate performance indicators. An annual report on progress in implementing the plan should also be published. [para. 3.29]
- 4** We recommend that, whatever machinery is devised for administering criminal justice matters after devolution, it should have as a primary task the development of a concerted and proactive strategy for securing a “reflective” workforce in all parts of the system. [para. 3.35]
- 5** We recommend that the Criminal Justice Board and its research sub-committee be tasked with developing and implementing a strategy for equity monitoring the criminal justice system, as it affects categories of people, in particular by community background, gender, ethnic origin, sexual orientation and disability; whilst ensuring that this is done in a way that does not compromise judicial independence. [para. 3.38]
- 6** We recommend that the outcome of equity monitoring should be published on a regular basis, to the maximum extent possible without risking the identification of the community background of individuals. [para. 3.41]
- 7** As part of our strategy for developing transparency and accountability mechanisms, we recommend the publication of statements of ethics for each of the criminal justice agencies covering all those employed or holding office in the criminal justice system. [para. 3.45]
- 8** If an organisation were, by its policy or its actions, clearly committed to acting contrary to the law or the interests of the criminal justice system, then it would be for the criminal justice agencies to make clear that their employees were not permitted to belong to such an organisation. [para. 3.47]
- 9** We agree with the Special Rapporteur on the Independence of Judges and Lawyers that government has a responsibility to provide the machinery for an effective and independent investigation of all threats made against lawyers and note the role of the Police Ombudsman if such allegations relate to the actions of police officers. Further, we endorse his recommendation that training seminars should be organised to enable police officers and members of other criminal justice agencies to appreciate the important role that defence lawyers play in the administration of justice and the nature of their relationship with their clients. [para. 3.53]
- 10** We recommend the continuation of bursaries to ensure that entry to the legal professions is open to people of talent from all sections of the community, regardless of means. [para. 3.55]
- 11** We recommend that lawyers should receive appropriate training in human rights principles before starting to practise. [para. 3.56]
- 12** We suggest that there would be some benefit in the compilation by the Law Society of a list of experts in particular fields that could be drawn on by the defence. [para. 3.60]

- 13** We recommend research into the impact of PACE at the stage of police questioning. [para. 3.63]
- 14** We recommend a public information and education strategy for the criminal justice system. This might include the following features, some of which are already in place:
- The production and distribution of guides to various aspects of criminal justice, targeting specific groups such as witnesses, victims, children, minority groups and defendants.
 - The prominent display of mission statements for each criminal justice agency.
 - The publication of statements of principles showing how the system as a whole will address specific issues, such as the treatment of victims, racial discrimination or cross-agency working.
 - The publication by all agencies of codes of practice in accessible language.
 - The publication by all agencies of annual reports, which include objectives, indicators and an account of performance.
 - The publication of statistical and research material in accessible form.
 - Consideration of innovative methods for increasing public understanding such as open days at courts for schools, colleges and the public, and the creation of videos explaining aspects of the criminal justice system.
 - The inclusion of a criminal justice module in the school civics curriculum. [para. 3.67]
- 15** The need for awareness of criminal justice issues should be considered as part of the current review of the Northern Ireland curriculum. [para. 3.68]
- 16** All parts of the criminal justice system should be covered by complaints mechanisms that are well publicised, easily accessible and understood, administered with due sensitivity and expedition and which, where appropriate, have an independent element. The workings of the complaints mechanisms should receive coverage in annual reports and, in those parts of the system subject to inspection, be inspected. [para. 3.70]

The Prosecution

- 17** We recommend that in all criminal cases, currently prosecuted by the DPP and the police, responsibility for determining whether to prosecute and for undertaking prosecutions should be vested in a single independent prosecuting authority. [para. 4.127]
- 18** We recommend that the investigative function should remain the responsibility of the police and not be subject to external supervision. [para. 4.130]

- 19** We recommend that the powers contained in Article 6(3) of the Prosecution of Offences (Northern Ireland) Order 1972 be retained and that the head of the prosecution service should make clear publicly the service’s ability and determination to prompt an investigation by the police of facts that come into its possession, if these appear to constitute allegations of the commission of a criminal offence, and to request further information from the police to assist it in coming to a decision on whether or not to prosecute. [para. 4.131]
- 20** We recommend that Article 6(3) of the 1972 Order be supplemented with a provision enabling the prosecutor to refer a case to the Police Ombudsman for investigation where he or she is not satisfied with an Article 6(3) response. [para. 4.132]
- 21** We recommend that a duty be placed on the prosecutor to ensure that any allegations of malpractice by the police are fully investigated. [para. 4.133]
- 22** We recommend that it be a clearly stated objective of the prosecution service to be available at the invitation of the police to provide advice on prosecutorial issues at any stage in the investigative process. [para. 4.135]
- 23** We suggest that, where a prosecutor has been extensively involved in advising the police on prosecutorial matters at the investigative stage, in order fully to safeguard the independence of the prosecution process consideration should be given to the possibility of arranging for the decision to prosecute to be made or scrutinised by another member of the prosecution service. [para. 4.136]
- 24** We recommend that where the police prefer a “holding” charge under Article 38(7) of the Police and Criminal Evidence (Northern Ireland) Order 1989, a prosecutor should be seized of and be responsible for the presentation of the case before a magistrates’ court in accordance with the provisions of Article 47 of the Order. [para. 4.138]
- 25** It should be the prosecutor’s sole responsibility to formulate and determine the charge that is presented to the court. [para. 4.138]
- 26** The prosecutor should have legal responsibility for the application to the magistrates’ court for remand, including the presentation of all supporting evidence. [para. 4.138]
- 27** We recommend that consideration be given to amending the Police and Criminal Evidence (Northern Ireland) Order 1989 to enable a prosecutor, on reviewing the case, to withdraw the charges before the court appearance. [para. 4.139]
- 28** We recommend that (if the law is changed in the way we suggest), until the prosecutor has determined whether to proceed with the remand application, the fact of the arrest and the name of the person detained should not be publicised. [para. 4.139]
- 29** We recommend that the prosecutor should assume full responsibility for the case between the point of charge (or summons) and trial, including tracking progress of the case, advising

the police on the evidence required to secure conviction and deciding on what matters should be disclosed to the defence. [para. 4.141]

30 We suggest that the timing of commencement of legislation that will flow from our recommendations should be planned so as to ensure that all necessary resources, preparation and training are in place and completed before procedural changes are introduced. [para. 4.142]

31 We believe that the present disclosure provisions should be reviewed and suggest in Chapter 14 that this might be one of the matters for consideration by a Law Commission. [para. 4.143]

32 We recommend that consideration be given to introducing simplified procedures for transferring cases to the Crown Court in Northern Ireland, while ensuring safeguards for a defendant who wishes to argue that there is no case to answer. Such a development could be accompanied by a major effort further to reduce time taken to bring cases to trial. [para. 4.144]

33 We recommend that once the police at divisional level decide that they wish to proceed and judge that they have sufficient evidence to warrant prosecution, the facts of the case should be sent to the prosecutor. In order to facilitate the process, consideration should be given to the development of standard forms, with the information fields necessary for purposes of issuing a summons, which could be e-mailed or faxed to the prosecutor. [para. 4.146]

34 We recommend that in summons cases arrangements be made to ensure that the facts of the case are passed to the prosecutor by a police officer who is close to and familiar with the investigation. [para. 4.147]

35 We envisage moving towards a position where it is the norm for legally qualified staff of the prosecution service to present cases at magistrates' courts (including committals), while retaining the option of briefing independent counsel when appropriate. [para. 4.149]

36 We recommend that caution guidelines should be agreed between the police and the prosecution service. Statistics should be kept and the practice kept under review, with particular attention being paid to consistency of approach and to ensuring that cases are dealt with expeditiously. [para. 4.151]

37 We recommend that prosecutors be enjoined positively to consider the diversion option in their consideration of cases. The options available to them might be:

- referral back to the police with a recommendation to caution;
- diversionary options, for example mentally disordered offenders or drug users being referred to treatment or young offenders being offered programmes to address offending behaviour; and
- the making of arrangements for restorative interventions. [para. 4.152]

- 38** We think it right for the prosecutor to have the ability to review the decision not to prosecute if the offender fails to follow through the arrangements for diversionary activity, treatment or restorative agreements. [para. 4.153]
- 39** We recommend that consideration be given to introducing the prosecutorial fine in Northern Ireland. [para. 4.154]
- 40** It will be necessary for the prosecution service, together with the police, to engage with the community and other agencies and service providers about what is involved in the diversionary process and to seek to arrive at a clear understanding of what diversionary schemes and options may be available at the local level. [para. 4.155]
- 41** We recommend that outreach to the community and inter-agency working be a stated objective of the prosecution service. [para. 4.156]
- 42** We recommend that political responsibility for the prosecution system should be devolved to local institutions along with other criminal justice functions, or as soon as possible after devolution of such functions. [para. 4.158]
- 43** We recommend that consideration be given to establishing a locally sponsored post of Attorney General who, *inter alia*, would have oversight of the prosecution service. We see the Attorney General as a non-political figure drawn from the ranks of senior lawyers and appointed by the First Minister and Deputy First Minister. We would suggest a fixed term appointment, with security of tenure, say for five years, which would not be affected by the timing of Assembly terms. [para. 4.160]
- 44** We recommend that the formulation in section 27 of the Scotland Act 1998 be adopted in that, although not a member of the Assembly, the Attorney should be enabled by Standing Orders to participate in Assembly business, for example through answering questions or making statements, but without voting rights. [para. 4.161]
- 45** There should be no power for the Attorney General to direct the prosecutor, whether in individual cases or on policy matters. [para. 4.162]
- 46** We recommend that legislation should: confirm the independence of the prosecutor; make it an offence for anyone without a legitimate interest in a case to seek to influence the prosecutor not to pursue it; but make provision for statutory consultation between the head of the prosecution service and the Attorney General, at the request of either. [para. 4.163]
- 47** We recommend that it be made clear on the face of legislation, as in section 27 of the Scotland Act 1998, that the Attorney could decline to answer questions on individual cases where to do so might prejudice criminal proceedings or would be contrary to the public interest. [para. 4.163]

- 48** We recommend that the head of the prosecution service should be accountable to the appropriate Assembly Committee for financial and administrative matters relating to the running of service. [para. 4.163]
- 49** We recommend that, where information is sought by someone with a proper and legitimate interest in a case on why there was no prosecution, or on why a prosecution has been abandoned, the prosecutor should seek to give as full an explanation as is possible without prejudicing the interests of justice or the public interest. It will be a matter for the prosecutor to consider carefully in the circumstances of each individual case whether reasons can be given in more than general terms and, if so, in how much detail, but the presumption should shift towards giving reasons where appropriate. [para. 4.167]
- 50** We recommend that the head of the prosecution service be required by statute to publish the following:
- an annual report.
 - a code of practice outlining the factors to be taken into account in applying the evidential and public interest tests on whether to prosecute; and
 - a code of ethics, based in part on the standards set out in UN Guidelines. [para. 4.169]
- 51** We recommend that the prosecution service should be subject to inspection, with a significant independent input. [para. 4.170]
- 52** We recommend that the Criminal Justice Inspectorate, which we propose in Chapter 15, be given the responsibility for buying in the professional expertise necessary to carry out inspections. [para. 4.171]
- 53** We recommend that the Criminal Justice Inspectorate be under a statutory duty to arrange for the inspection of the prosecution service, report to the Attorney General on any matter to do with the service which the Attorney refers to it and also report the outcome of inspections to the Attorney General. [para 4.171]
- 54** We recommend that the Criminal Justice Inspectorate should include in its annual report a review of inspection activity and its outcomes in relation to the prosecution service. [para. 4.171]
- 55** Details of complaints procedures for the prosecution service should be publicly available and included in the service's annual report, along with an account of the handling of complaints throughout the year. [para. 4.172]
- 56** We recommend that an independent element be introduced into the procedures where the complainant is not satisfied with the initial response and where the complaint is not about the exercise of prosecutorial discretion. [para. 4.172]

- 57** The Criminal Justice Inspectorate should audit the operation of the prosecution service's complaints procedures on a regular basis. [para. 4.172]
- 58** We recommend that the Department of the Director of Public Prosecutions be renamed the Public Prosecution Service for Northern Ireland. [para. 4.174]
- 59** We recommend that the appointment process for the head of the Public Prosecution Service and deputy be through open competition, with a selection panel, in accordance with procedures established by the Civil Service Commissioners for Northern Ireland. These appointments would be made by the Attorney General for Northern Ireland. Appointments would be for a fixed term, or until a statutory retirement date. There should be statutory safeguards to ensure that removal from office by reason of misconduct or incapacity would be possible only after a recommendation to that effect coming from an independent tribunal. [para. 4.176]
- 60** We recommend that the Public Prosecution Service should establish local offices from which the bulk of prosecutorial work in their respective areas would be conducted. The boundaries of such offices should be coterminous with police and court boundaries, which in turn are based on district council areas. [para. 4.178]
- 61** We recommend that each of these offices should be headed by a senior prosecutor of sufficient status for decisions on most prosecutions to be delegated to the local offices. [para. 4.178]
- 62** External recruitment of new staff should be subject to open competition, in accordance with fair employment and equal opportunities best practice. A substantial recruitment exercise would provide the opportunity to attract applicants from a range of diverse backgrounds, including defence lawyers and people from all parts of the community, with a geographical spread across Northern Ireland. [para. 4.180]
- 63** Consideration should be given to some posts being the subject of fixed-term contracts and to offering financial assistance to a limited number of students seeking professional qualifications, on the basis that they might start their career within the Public Prosecution Service. [para. 4.180]
- 64** We recommend the appointment of a senior manager as head of Corporate Services to work to, and alongside, the head of the Public Prosecution Service. This post would have particular responsibility for driving the change agenda and ensuring the efficient and effective management of what will be a larger and more dispersed organisation than is the case at present. [para. 4.181]
- 65** We recommend that at the earliest possible stage in establishing the Public Prosecution Service training needs should be identified and the necessary resources deployed to meet them. [para. 4.182]

- 66** We recommend that those who are considering the resource implications and the organisational issues arising from our proposals in respect of the prosecution function should examine the Glidewell Report, with a view to seeing whether there are lessons to be learnt from the experience of England and Wales. [para. 4.183]

The Judiciary

- 67** We recommend that primary Westminster legislation should make explicit reference to the requirement for an independent judiciary and place a duty on the organs of government to uphold and protect that independence. [para. 6.82]
- 68** Merit, including the ability to do the job, thus providing the best possible quality of justice, must in our view continue to be the key criterion in determining appointments. [para. 6.84]
- 69** It should be a stated objective of whoever is responsible for appointments to engage in a programme of action to secure the development of a judiciary that is as reflective of Northern Ireland society, in particular by community background and gender, as can be achieved consistent with the overriding requirement of merit. [para. 6.85]
- 70** We endorse the view that extensive experience of advocacy should not be regarded as a prerequisite of success in a judicial capacity and recommend that practice and/or standing requirements for recruitment to all levels of the bench should not differentiate between barristers and solicitors. [para. 6.89]
- 71** We recommend that consideration be given to consolidating and amending the legislation relating to eligibility criteria for judicial appointments with a view to shifting the emphasis to standing (i.e. period since being called to the Bar or admitted as a solicitor) rather than practice. Time spent in lower judicial posts should also be recognised for eligibility purposes. [para. 6.90]
- 72** In our view it should be clear that progression from one judicial tier to another is regarded as an accepted form of appointment, provided that it takes place on the basis of merit as part of open competition. [para. 6.91]
- 73** We recommend the enactment of legislation enabling responsibility for judicial appointments in Northern Ireland to be devolved on an agreed basis at a date to be determined by the Government in the light of the prevailing circumstances. This would of necessity be primary Westminster legislation. The legislation would include provisions establishing the machinery and procedure by which appointments were to be made. [para. 6.95]
- 74** On devolution, political responsibility and accountability for the judicial appointments process should lie with the First Minister and the Deputy First Minister. [para. 6.96]

- 75** For the appointment of the Lord Chief Justice and Lords Justices of Appeal, responsibility for making recommendations to Her Majesty The Queen would lie with the Prime Minister, as now, but on the basis of recommendations from the First Minister and the Deputy First Minister. [para. 6.96]
- 76** We suggest that consideration be given to including in the primary Westminster legislation that provides for the transfer of judicial matters of a provision that no vote, resolution or Act of the Assembly on judicial matters should be valid unless it has cross community support, as defined by section 4(5) of the Northern Ireland Act 1998. [para. 6.97]
- 77** We recommend that legislation enabling responsibility for judicial appointments to be devolved should include provision for the establishment of a Judicial Appointments Commission. [para. 6.102]
- 78** As for membership of the Commission, we envisage a strong judicial representation drawn from all tiers of the judiciary (including a representative of the lay magistracy – see Chapter 7) and nominated for appointment by the Lord Chief Justice after consultation with each of those tiers. The Lord Chief Justice or his nominee would chair the Commission. In line with practice elsewhere, there would be one representative nominated by the Law Society and one by the Bar Council. In total the Commission might consist of around five judicial members, two from the professions and four or five lay members. [para. 6.103]
- 79** The lay members of the Commission should be drawn from both sides of the community, including both men and women. This could be achieved through a legislative provision along the lines of section 68(3) of the Northern Ireland Act 1998 which provides that the Secretary of State should, so far as practicable, secure that the Northern Ireland Human Rights Commission is representative of the community in Northern Ireland. [para. 6.104]
- 80** The First Minister and Deputy First Minister would appoint the nominees of the Lord Chief Justice and the professions and would secure the appointment of lay members through procedures in accordance with the guidelines for public appointments (the Nolan procedures). [para. 6.104]
- 81** The Commission should be responsible for organising and overseeing, and for making recommendations on, judicial appointments from the level of High Court judge downwards. [para. 6.105]
- 82** Working through an Appointments Unit, the Commission would organise its selection panels which, for appointments at deputy resident magistrate and above, would always include at least one member of the judiciary at the tier to which the appointment was to be made and a lay person. The selection panel would shortlist, take account of the available information on the candidates, and conduct interviews with a view to making recommendations to the Commission. [para. 6.105]

- 83** We recommend that for all judicial appointments, from lay magistrate to High Court judge, and all tribunal appointments, the Commission should submit a report of the selection process to the First Minister and Deputy First Minister together with a clear recommendation. [para. 6.106]
- 84** The First Minister and Deputy First Minister would be required either to accept the recommendation or to ask the Commission to reconsider, giving their reasons for doing so; in the event of their asking for a recommendation to be reconsidered, they would be bound to accept the second recommendation. The First Minister and Deputy First Minister would then:
- in respect of High Court and county court judges, and resident magistrates, advise Her Majesty The Queen to appoint the recommended candidate;
 - in respect of appointment of deputy county court judges and deputy resident magistrate, and of appointments below the level of resident magistrate, make the appointment. [para. 6.106]
- 85** We recommend that the First Minister and Deputy First Minister should consult with the Judicial Appointments Commission over the procedure to be adopted in appointments to the positions of Lord Chief Justice and Lord Justice of Appeal and submit such procedure to the Prime Minister for approval. The same principles of transparency and appointment on merit should apply as with other appointments. [para. 6.109]
- 86** The Judicial Appointments Commission would require a fully resourced administrative structure in the form of a Judicial Appointments Unit separate from the Court Service (or Department of Justice) but staffed by officials drawn from it. This Unit, under the supervision of the Commission, would assist the Commission in:
- establishing criteria for appointment which provide for the level of technical and legal competence required by particular posts and the personal qualities necessary for members of the judiciary, including an awareness of social and human rights issues;
 - organising the selection processes which would include open advertising, published criteria for appointment and structured interviews for all appointments from High Court judges downwards;
 - ensuring that selection panels had before them all the information on which to base decisions, including the results of consultation with the senior judiciary and professional associations;
 - publishing detailed information on all aspects of the appointments system in Northern Ireland, along the lines of *Judicial Appointments*, the Lord Chancellor's Department publication for England and Wales;
 - publishing an annual report on the appointments process;

- developing a strategy of equal opportunity and outreach designed to broaden the pool of potential applicants in a way that maximised the opportunity for men and women from all parts of the community to secure appointments; and
- identifying and, where possible, addressing factors which might make it more difficult, or constitute a disincentive, for qualified candidates from particular parts of the community to apply for appointment. [para. 6.111]

87 There should remain a role for formal written consultation with the senior judiciary and the heads of the legal profession in respect of candidates for appointment as county court judge and above. For the sake of ensuring transparency and fairness, the results of such consultation should be made available to the selection panels for these posts, who would consider them along with all other relevant information. [para. 6.112]

88 We consider that the present practice of asking for named referees for lower tier appointments should be extended to include candidates for appointment as High Court or county court judges and suggest that consideration be given to including an element of self-assessment in application forms for judicial appointments. [para. 6.112]

89 We recommend that those responsible for judicial appointments should engage in discussions with the Bar Council and Law Society about equal opportunity issues and their implications for the judicial appointments process. The Equality Commission should be asked to assist with these discussions. [para. 6.113]

90 Efforts should be made to stimulate interest in becoming a judge, especially in sectors which are under-represented or where historically applications have been disproportionately low. [para. 6.114]

91 We are attracted to the idea of developing a database of qualified candidates interested in securing judicial appointment, and we recommend that this idea be considered further. [para. 6.115]

92 We recommend that consideration be given to introducing a small number of part-time appointments. [para. 6.116]

93 We recommend that consideration be given to finding a satisfactory way, with the assistance of proxy indicators if necessary, of assessing for statistical purposes the religious and ethnic background of applicants for judicial posts and of those who wish to be included in the database. There would also need to be assessment for statistical purposes of the ethnic background of applicants. This information would not be available to those involved in the selection process [para. 6.120]

94 We recommend that those elements of our appointments strategy which do not require legislative change be adopted for implementation at an early stage and be operated within the existing structures. Early steps should also be taken to establish a dedicated Judicial Appointments Unit within the Northern Ireland Court Service to assist the Lord Chancellor

and the Lord Chief Justice in their duties within the current judicial appointments process. [para. 6.122]

95 We recommend the early appointment of a person or persons of standing to oversee and monitor the fairness of all aspects of the existing appointments system and audit the implementation of those measures that can be introduced before devolution. Such a person or persons should not be a practising member of the legal profession, should be independent of the judicial system and government, and should have the confidence of all parts of the community. They should have access to all parts of the appointments process and report annually to the Lord Chancellor. That report should be published. [para. 6.123]

96 We recommend that, on appointment, members of the judiciary be required to swear on oath along the following lines:

I, [], do swear [or do solemnly and sincerely and truly affirm and declare] that I will well and faithfully serve in the office of [], and that I will do right to all manner of people without fear or favour, affection or illwill according to the laws and usages of this realm. [para. 6.128]

97 We think that the membership of the Board, drawing representation from each judicial tier, is about right, although an academic input might bring benefits. [para. 6.131]

98 We believe that the Board should produce an annual report on its activities and on its training plans for the judiciary. It should continue to be supported by an administrative secretariat. [para. 6.131]

99 We think that the Judicial Studies Board should develop a prioritised training plan, with members of the judiciary making the major contribution but also taking account of the views of the professions and other stake-holders. [para. 6.132]

100 We recommend that the Judicial Studies Board pay particular attention to maximising the benefits to be secured from co-operation with England and Wales, Scotland and the Republic of Ireland. [para. 6.133]

101 We believe that induction training should be mandatory. [para. 6.134]

102 We think that training is more likely to have a beneficial effect and secure the necessary commitment if it is developed by the judiciary for the judiciary on a voluntary basis. The Judicial Studies Board should monitor closely the progress of voluntary training and the degree of participation in it. [para. 6.134]

103 We endorse the current arrangements that give full-time judges and magistrates tenure during good behaviour until a statutory retirement age. [para. 6.136]

104 We recommend that removal from office of a judge or lay magistrate should only be possible on the basis of the finding of a judicial tribunal constituted under statutory authority and

convened by the First Minister and Deputy First Minister or the Lord Chief Justice, that a magistrate or judge was unfit for office by reason of incapacity or misbehaviour. [para. 6.136]

- 105** We recommend that a complaints procedure be devised and published. This would make clear that complaints about the exercise of judicial discretion could only be addressed through the judicial (i.e. the appeal) process, essential if judicial independence is to be maintained. Complaints about conduct or behaviour would be the ultimate responsibility of the judiciary, although, as now, officials in the Court Service could be tasked with dealing with the administration of such matters. [para. 6.137]
- 106** We recommend that for the most serious complaints which appear to have substance, including those which might merit some form of public rebuke or even instigation of the procedure for removal from office, the Lord Chief Justice should have the option of establishing a judicial tribunal to inquire into the circumstances and make recommendations. [para. 6.137]
- 107** We recommend that consideration be given to drawing up a statement of ethics which might be annexed to the annual report of the Judicial Appointments Commission. [para. 6.138]
- 108** On remuneration we recommend that judges' salaries continue to be fixed by reference to their equivalents in England and Wales, which are within the remit of the Senior Salaries Review Body. [para. 6.139]
- 109** We recommend that the Lord Chief Justice should have a clearly defined position as head of the whole judiciary (including the lay magistracy) in Northern Ireland. [para. 6.141]
- 110** We recommend that legislation be passed to redesignate resident magistrates as district judges (magistrates' courts). [para. 6.142]

Lay Involvement in Adjudication

- 111** We fully endorse the principle of jury trial in cases tried on indictment at the Crown Court. [para. 7.3]
- 112** We do not believe that a sufficiently strong case has been made at present to warrant change from the current system whereby a professional magistrate sitting alone adjudicates at summary adult trials. [para. 7.48]
- 113** We strongly endorse the view that efforts should be made to make the system more responsive to community concerns and to encourage lay involvement in an informal capacity. We make recommendations elsewhere about opening up the courts to the public and we believe that the judiciary could make a significant contribution to this. Participating in various

types of discussion fora, facilitating court visits and seeking out the views of the public on the way in which the system works should significantly reduce the likelihood of their being “out of touch” and should enhance confidence generally. [para. 7.49]

114 We strongly endorse the continued involvement of lay panellists in youth courts. [para. 7.50]

115 We do not think that lay people should any longer have the power to extend the period during which a suspect might be held in custody by the police, hear committal proceedings or adjudicate on a range of complaints against adults. There should however continue to be a role for suitably trained lay justices in presiding over special courts for first remand hearings. [para. 7.52]

116 We recommend that lay people should continue to have a role in hearing complaints with a view to issuing summonses and warrants. [para. 7.53]

117 We recommend that all lay appointees empowered to fulfil judicial functions should be designated as lay magistrates. [para. 7.55]

118 We recommend that a system be devised whereby lay magistrates would be formally authorised to perform each of the three functions only following appropriate training. We would envisage training being the responsibility of a sub-committee of the Judicial Studies Board. Current members of the Juvenile Lay Panel will already have received structured training and we envisage that they would therefore be eligible for re-appointment as lay magistrates without the need for a selection process in their case; it will of course be necessary to appoint significant numbers of additional lay panellists to provide for the expanded jurisdiction of the youth courts. [para. 7.56]

119 We envisage appointments to the position of lay magistrate being made using the same mechanism as used for other members of the judiciary. The selection procedure should, however, draw upon the advice of local committees, as now, which should include a mix of existing magistrates and representatives of outside interests, including people with a community focus. The objective should be to secure the appointment of magistrates on the basis of publicly available criteria through advertisement and a proactive effort to secure nominations from organisations in the community including, for example: the private sector, voluntary and community organisations, churches and other local groups. There should be a retirement age of 70 for lay magistrates. [para. 7.57]

120 It should be for the body responsible for courts’ administration to organise the attendance of lay magistrates at court to enable them to fulfil their functions and stand-by rotas in case they are needed out of hours. [para. 7.58]

121 We recommend that the quality and impact of lay involvement, especially in the youth court and in the county court, be monitored and evaluated as a possible basis for extending the work of lay magistrates. [para. 7.61]

- 122** We think that there are aspects of jury trials that should be reviewed including, inter alia, measures to prevent intimidation of jurors, and the role of juries in particular classes of case. [para. 7.66]

Courts

- 123** We recommend an independent review into the law and practice of inquests in Northern Ireland. [para. 8.36]
- 124** We believe that the courts in Northern Ireland should operate efficiently but also effectively and in a way that promotes confidence in the criminal justice system. [para. 8.41]
- 125** The courts' administration should contribute to and be fully involved in the co-ordinated strategy of public education and information about the criminal justice system. [para. 8.45]
- 126** We endorse the current efforts of the Northern Ireland Court Service to provide information to the public and recommend that this work is developed further. [para. 8.46]
- 127** Information points in courthouse reception areas should include a range of leaflets explaining what goes on in courts, while the internet and video might be used to disseminate information. [para 8.46]
- 128** Visits to courts should continue to be encouraged as a way of increasing community awareness and understanding. [para. 8.46]
- 129** We recommend the establishment of court user groups across Northern Ireland inclusive of the judiciary, the professions, criminal justice agencies, and voluntary organisations representing victims and witnesses. We also suggest that consideration be given to means of sharing best practice between such groups. [para. 8.47]
- 130** We see the Criminal Justice Issues Group as a body bringing together the judiciary, the heads of the main criminal justice agencies, the legal profession and the voluntary sector to promote good practice throughout the system. [para. 8.47]
- 131** We recommend that it should be an objective for all court buildings to have appropriate reception, waiting and consultation areas for those attending court, with adequate refreshment facilities and proper access for the disabled. Consideration should also be given to the need to accommodate and staff information points, witness support facilities and other community services as considered appropriate in the local area. [para. 8.49]
- 132** We recommend that the layout of courtrooms should take account of the needs of the judge and those attending court to have good lines of sight and be able to hear the proceedings. [para. 8.50]

- 133** Courtrooms should have the appropriate degree of formality, and be designed to minimise the risk of jury or witness intimidation. We also recommend research into audibility, layout and procedure in the courts throughout Northern Ireland to highlight any simple improvements that might be made. We note the importance of those participating in court speaking clearly. [para. 8.50]
- 134** Local court user groups will have a role in making suggestions for and monitoring improvements in facilities with reference to agreed standards. [para. 8.51]
- 135** We recommend the simplification of dress worn in court and an end to the wearing of wigs except on ceremonial occasions. [para. 8.52]
- 136** We recommend that steps be taken to ensure the language used in the criminal courts is easily understood by lay people. [para. 8.53]
- 137** We endorse the work that is currently under way in drawing up a common list of interpreters to be used for victims, witnesses and suspects. [para. 8.54]
- 138** We recommend that consideration of the use of the Irish language in courts be taken forward in the wider context of the development of policy on the use of Irish in public life generally. [para. 8.56]
- 139** In line with the assessment of security risk, the Court Service should assume full responsibility for security at its courthouses, for jury keeping and for the reception and provision of information for court users. [para. 8.58]
- 140** We recommend that the Court Service should have the responsibility, in consultation with the police, for drawing up policy in relation to countering intimidation of jurors, witnesses, victims and other members of the public on court premises and for ensuring that the policy is implemented. [para. 8.59]
- 141** We recommend that there should be no change in the arrangements for displaying the Royal Coat of Arms on the exterior of existing courthouses. However, in order to create an environment in which all those attending court can feel comfortable we recommend that the interior of courtrooms should be free of any symbols. We recommend that the flying of the Union flag at courthouses should continue to be in line with flag flying practice at other government buildings which are the responsibility of the Secretary of State for Northern Ireland. These practices would become subject to any decision of the Assembly on devolution of responsibility for courts administration. [para. 8.62]
- 142** We believe that the declaration of “God Save The Queen” on entry of the judiciary to the court is unnecessary and we recommend that this practice should end. [para. 8.63]

Restorative and Reparative Justice

- 143** We recommend the development of restorative justice approaches for juvenile offenders. [para. 9.53]
- 144** We recommend that restorative justice schemes for young adults (i.e. those between 18 and 21 years of age inclusive) and adults be piloted and evaluated carefully before final decisions are made on whether and how they might be applied across Northern Ireland as a whole. [para. 9.54]
- 145** We recommend that in Northern Ireland the police continue to have the option of issuing informal warnings or cautions to juveniles. [para. 9.59]
- 146** We recommend that restorative justice should be integrated into the juvenile justice system and its philosophy in Northern Ireland, using a conference model (which we term a “youth conference”) based in statute, available for all juveniles (including 17 year olds, once they come within the remit of the youth court), subject to the full range of human rights safeguards. [para. 9.60]
- 147** We recommend that a Northern Ireland system should focus on:
- reparative justice and meeting the needs of victims, so giving them a real place in the youth conference, rather than just regarding it as a means to reform the offender;
 - rehabilitative justice, where what is important is the prevention of re-offending by the young person, so that the youth conference focuses on offending behaviour;
 - proportionality, rather than pure retributive justice;
 - reintegrative shaming, where the offender acknowledges the harm done, but where the youth conference clearly separates the offender from the offence and focuses on the potential for reintegrating the offender into the community in the plan and on the prevention of re-offending;
 - repairing relationships which have been damaged or broken by crime;
 - devolving power to youth conference participants (see below for discussion of who those participants might be) to create the youth conference and the plan, but requiring subsequent approval for the plan from the court for cases which have gone to court (see below in relation to police/prosecution referrals);
 - encouraging victims to bring one or more supporters (who might be, but need not necessarily be, a member of Victim Support);
 - encouraging offenders to bring significant others (especially their families, but also particular members of the community important to them) to the youth conference, but

not placing such a strong emphasis on the responsibility of the family to deal with offending as is done in New Zealand. [para. 9.62]

- 148** Even where there is a need for custody or a traditional criminal justice community sanction (such as probation, community service or a compensation order), we recommend that these should be capable of being combined with other elements within a youth conference order (allowing a number of elements to be incorporated into a plan, not all of which can be combined at present). [para. 9.63]
- 149** We recommend that a court-based youth conferencing scheme should operate on the basis of court referrals, with the youth conference resulting in a report to the court which contains a draft plan. If approved by the court, the plan will form the basis for the court disposal. Court-ordered referrals should be required after guilt has been admitted or determined, but before disposal. They should be discretionary for offences that are triable only on indictment. [para. 9.65]
- 150** Where the court orders a youth conference, we recommend that there should be no requirement to request a pre-sentence report, so as to avoid introducing a further cause of delay. [para. 9.66]
- 151** Every effort should be made by the conference co-ordinators to contact victims, to encourage them to attend and to organise conferences in such a way as to facilitate the attendance of victims. [para. 9.68]
- 152** Victims should be able to be accompanied at the conference by a supporter (or, at the discretion of the co-ordinator, more than one supporter – a restriction on numbers would be inappropriate, especially in the case of child victims). [para. 9.70]
- 153** If the victim does not wish to attend the conference, then he or she should be offered the alternative of submitting a written statement (describing the effect of the offence and indicating whether an apology, reparation or compensation would be received positively). [para. 9.71]
- 154** If victims do not wish to attend a youth conference that should not prevent it from going ahead. Victims should not have a veto on conferences taking place. [para. 9.71]
- 155** We recommend that in Northern Ireland, for purposes of attendance at youth conferences, “family” should be viewed in its broad context to include those, such as church or youth leaders, who play a significant role in the offender’s life. [para. 9.72]
- 156** We recommend that the following should always take part in a youth conference:
- the co-ordinator;
 - the juvenile and the juvenile’s parents or guardians; and
 - either a police officer or prosecutor. [para. 9.76]

- 157** We recommend that the following may participate in the youth conference:
- the victim (if he or she agrees) and the victim’s supporters;
 - significant others relevant to the offender (at the co-ordinator’s discretion);
 - a defence solicitor or barrister (where this is wished by the offender or his or her guardian); and
 - where appropriate, professionals such as probation and social services, who can provide information to the conference about possible options for the plan and about the offender’s background (but only as information providers and at the co-ordinator’s discretion). [para. 9.77]
- 158** We recommend that the youth conference co-ordinator should have the same type of monitoring and breach powers as probation officers in relation to monitoring probation orders and their requirements. If offenders do not complete their plans in their entirety or, in the judgement of the co-ordinator, sufficiently, then breach proceedings would start. [para. 9.79]
- 159** We recommend that the youth conference and youth conference co-ordinators should be housed within a separate arm of the Department of Justice or one of its agencies. [para. 9.82]
- 160** We recommend that the development of restorative justice, and in particular the development of the menu of national and local programmes and projects which the youth conference can draw upon, should be driven at both national and local level. [para. 9.85]
- 161** We recommend that a national level inter-agency body responsible for youth conferencing should be established; it might be a sub-group of the Criminal Justice Board. It could have responsibility for ensuring the availability of programmes across Northern Ireland to support community sanctions, restorative justice generally, and youth conferences in particular. It should deal with the accreditation and setting of standards for restorative justice, including those that apply to community restorative justice schemes, and encourage the spreading of good practice. [para. 9.85]
- 162** We recommend that youth conference co-ordinators should take the lead in developing networks and inter-agency arrangements in local areas, and should co-ordinate the development of a local menu of programmes and options that might form part of a youth conference order. They should develop close links with a variety of organisations and groups with an interest in youth conferences in local areas, including funders, programme providers, community groups, sentencers, the police, probation, social services and education authorities. [para. 9.86]
- 163** We recommend that priority be given to establishing facilities for court-referred youth conferences, and that the system be expanded to provide for police and prosecutor referrals more slowly. [para. 9.87]

- 164** We believe that in the longer term, as resources permit, youth conference co-ordinators should assist with pre-court conferences as part of a diversionary strategy. [para. 9.90]
- 165** We think it is important that, when resources permit, youth conferences, as with other forms of diversion, should be available through prosecutor referral as well as police referral. [para. 9.92]
- 166** For prosecutor referrals, the right to prosecute should remain until the plan has been completed. In the case of police referrals the co-ordinator should monitor the implementation of any agreed plan and report back to the police, but the police should not have the option of proceeding further. [para. 9.93]
- 167** We recommend that the courts' sentencing powers be reviewed to facilitate the possibility of restorative interventions, including the formal payment of compensation before sentence is finally passed. [para. 9.94]
- 168** We believe that community restorative justice schemes can have a role to play in dealing with the types of low-level crime that most commonly concerns local communities. However, we recommend that community restorative justice schemes should:
- (i) receive referrals from a statutory criminal justice agency, rather than from within the community, with the police being informed of all such referrals;
 - (ii) be accredited by, and subject to standards laid down by the Government in respect of how they deal with criminal activity, covering such issues as training of staff, human rights protections, other due process and proportionality issues, and complaints mechanisms for both victims and offenders;
 - (iii) be subject to regular inspection by the independent Criminal Justice Inspectorate which we recommend in Chapter 15; and
 - (iv) have no role in determining the guilt or innocence of alleged offenders, and deal only with those individuals referred by a criminal justice agency who have indicated that they do not wish to deny guilt and where there is prima facie evidence of guilt. [para. 9.98]

Juvenile Justice

- 169** We recommend that in drawing up legislation flowing from this Review, the Government should develop, agree and incorporate a clear statement of the aims of the juvenile justice system in Northern Ireland and a statement of the principles which should guide those who exercise the powers conferred by the legislation with due regard to the international human rights standards to which the United Kingdom has given commitment. [para. 10.66]

- 170** We recommend that children aged 10-13 inclusive who are found guilty of criminal offences should not be held in juvenile justice centres, and that their accommodation needs should be provided by the care system. [para. 10.69]
- 171** We recommend that 17 year olds be brought within the ambit of the youth court. [para. 10.70]
- 172** In the particular circumstances of Northern Ireland we recommend that it should continue to be the practice for 17 year olds to be remanded and sentenced to the young offenders centre. [para. 10.72]
- 173** We recommend that the staff at the young offenders centre pay particularly close attention to the 17 year olds in their care and be prepared to take special measures, including the provision of separate accommodation, for any who are assessed as being vulnerable or immature. [para. 10.72]
- 174** We recommend that a form of community service should be developed for those under 16 years of age, with a maximum period of service of 40 hours. The service to be undertaken should be tailored to the needs of juveniles of that age group and be of a nature most likely to maintain and promote the development of the juvenile in responsible, beneficial and socially acceptable ways. The arrangements should be piloted and evaluated rigorously. [para. 10.74]
- 175** We recommend the introduction of reparation orders in Northern Ireland. [para. 10.75]
- 176** We recommend:
- (i) the piloting and evaluation of bail information and support schemes to provide the courts with information and advice to assist them with making bail and remand decisions in respect of individual juveniles;
 - (ii) the development of bail hostel accommodation specifically for juveniles, particularly within Belfast;
 - (iii) that those remanded in custody should be assessed as quickly as possible to determine the nature of the regime required, including the degree of supervision; and
 - (iv) that remands in custody should be for the shortest period of time possible. [para. 10.78]
- 177** We recommend that Lisnevin juvenile justice centre be closed. [para. 10.79]
- 178** We endorse the development of further diversionary mechanisms based on a partnership approach and recommend that any savings arising from the rationalisation of the juvenile justice estate should be reallocated to diversionary programmes and other community-based sanctions for juveniles. [para. 10.87]
- 179** We recommend also the development of prosecutor-driven diversionary schemes for juveniles, including the power to refer back for a police caution and the development of agreed guidelines on good practice in diversion at police and prosecutor level. [para. 10.87]

- 180** In respect of juveniles, we recommend that the Government should commission independent research into the effects of the Criminal Evidence (Northern Ireland) Order 1988 on juvenile defendants as a matter of urgency, and that the findings of that research should be published. [para. 10.89]
- 181** We recommend that those who volunteer to act as appropriate adults should receive training by a wide range of agencies, to include training on the needs of those who have learning or other disabilities, or who are suffering from a mental disorder, and children's rights and broad human rights awareness. [para. 10.90]
- 182** In respect of the operation of the youth court we recommend that:
- (i) Guidelines should be developed for the layout and operation of the youth court, emphasising the need for all the participants in court to sit at the same level, the need for all participants to be able to hear what is being said in court, the need for simple and plain language to be used during the proceedings, and the need for the defendant and his or her parents to be given opportunities to participate and express themselves freely.
 - (ii) Defence and prosecution advocates should be encouraged, through professional education and development, to enhance their expertise in respect of handling juvenile cases and their awareness of the human rights instruments and jurisprudence as they relate to juveniles. This should not interfere with the juvenile's right to the lawyer of his or her choice. Professional and lay members of the bench should receive similar training under the auspices of the Judicial Studies Board.
 - (iii) In the light of the outcome of evaluation, the child witness scheme should be made available at all criminal court venues in Northern Ireland, including youth courts.
 - (iv) Efforts to deal with delays in cases being brought before the youth court should continue.
 - (v) Given the need to tackle delay and the impact of extending the jurisdiction of youth courts to include 17 year olds, there should be an examination of youth court sittings and consequential implications for magistrates' courts. [para. 10.94]
- 183** We recommend that the Government should consider carefully the implications of judgments of *T & V v United Kingdom* for the operation of the juvenile justice system in Northern Ireland. [para. 10.95]
- 184** We make the following recommendations in respect of the complaints mechanisms and inspection arrangements:
- (i) Complaints mechanisms should be reviewed as a matter of urgency to ensure that they conform to the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, and to ensure that they include an independent element.

- (ii) On admission to a juvenile justice centre, all juveniles should, as now, be given a copy of the rules governing the juvenile justice centre and a written description of their rights and obligations in a language they can understand, together with a description of the ways in which they can make complaints, as well as the address of public or private agencies and organisations which provide legal assistance.
- (iii) For those juveniles who have difficulty in understanding the written guidance, the guidance should, as now, be explained to them.
- (iv) All agencies providing facilities and services for juvenile offenders, including juvenile justice centres, should come within the remit of the Criminal Justice Inspectorate, in respect of those services or facilities.
- (v) Each juvenile justice centre should have a local advisory committee that brings in local professional and community representatives, including representatives of nearby residents. [para. 10.98]

185 We recommend the creation of a next steps agency which would take on responsibility for the range of responsibilities which fall to the current Juvenile Justice Board as are set out in Article 56(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998. [para. 10.101]

186 We recommend that the development of juvenile justice policy should be separate from the functions of the juvenile justice agency and should be a matter for a separate unit in the department within which the agency is placed. That unit should be responsible for advising the Minister in relation to policy and legislative proposals. The unit should also be responsible for developing a strategy for the delivery of juvenile justice services, and should develop and publish aims, standards and performance indicators. [para. 10.102]

187 We recommend that an overarching Probation, Prisons and Juvenile Justice Advisory Board be adopted. [para. 10.103]

188 We recommend that, pending devolution, political responsibility for the juvenile justice system should remain with the Secretary of State for Northern Ireland and that policy and legislative advice should continue to be provided by the Northern Ireland Office. After devolution, we believe that ministerial responsibility should lie with whichever Minister is responsible for prisons and probation. [para. 10.104]

189 We recommend the use of research as a basis for developing an informed juvenile justice policy. We recommend that all new initiatives and legislation should be routinely monitored and subject to rigorous and independent evaluation. [para. 10.105]

190 We recommend that in developing policy and practice the views of the public and of young people in particular should be taken into account. To achieve this, innovative approaches to consultation should be developed, and consideration should be given to how best to seek out the views of young people. [para. 10.106]

- 191** We also recommend that, to enhance public confidence in the juvenile justice system, a communication strategy be developed to advertise successes, develop public awareness of existing practice and new initiatives, and to provide information to sentencers on the availability of programmes and other community disposals. [para. 10.106]

Community Safety

- 192** We recommend that the aim of a community safety strategy in Northern Ireland should be to create the conditions which promote an inclusive partnership-based approach in developing community safety initiatives between relevant agencies, voluntary groups, the private sector and local communities, with a view to reducing crime, the fear of crime and enhancing community safety. [para. 11.51]
- 193** We recommend the development of a Northern Ireland community safety strategy based upon extensive consultation with relevant agencies, political structures, and the voluntary, private and community sectors. [para. 11.51]
- 194** We recommend that in developing a community safety strategy for Northern Ireland specific consideration be given to:
- offences against women, particularly domestic violence;
 - child abuse;
 - interventions in relation to youth offending;
 - the needs of ethnic minority communities;
 - drug, substance and alcohol abuse;
 - street violence, low-level neighbourhood disorder and anti-social behaviour;
 - car crime; and
 - reducing criminality (i.e. addressing the factors which lie behind criminal behaviour). [para. 11.52]
- 195** We recommend that there should be no presumption that any particular body should always take the lead in individual community safety projects. [para. 11.58]
- 196** Rather than District Policing Partnerships we recommend that:
- Community Safety and Policing Partnerships (CSPPs), chaired by local authority elected members, should be established.

- The role and remit of the CSPP should be set out in statute, supplemented by good practice guidelines.
- The membership of the CSPP should be as recommended by the Policing Commission for District Policing Partnership Boards, with a majority of elected members, and with independent members selected to represent business and trade union interests and to provide expertise in matters relating to community safety. We suggest that consideration be given to inviting councils to seek nominations through bodies such as Chambers of Commerce, Business in the Community, the Northern Ireland Committee of the Irish Congress of Trade Unions and the Northern Ireland Council for Voluntary Action. The District Partnership Boards, currently in place to administer European funding, provide a useful model.
- The CSPP should prepare a local community safety strategy based on local crime profiles, people's worries about crime locally, and the availability of local services.
- When carrying out this wider community safety role, the CSPP should consult widely in the community and work in partnership with community, statutory, and voluntary agencies; on the statutory side, the police should be involved along with others such as the Probation Service, the Public Prosecution Service, social services, education, health and the Northern Ireland Housing Executive.
- It should be open to the CSPP to invite other relevant agencies to the monthly public meetings envisaged in recommendation 36 of the Policing Commission Report.
- The CSPP should submit an annual report of its activities in relation to community safety to the district council or councils to which it relates, and then to the Policing Board and the central Community Safety Unit (which is referred to below) for their information. [para. 11.61]

197 We recommend that there should be a central Community Safety Unit responsible for:

- developing a community safety strategy for Northern Ireland;
- providing a focus for the promotion and co-ordination of community safety throughout government, the voluntary and the private sectors;
- developing effective and innovative public consultation mechanisms in developing community safety policy, including the development of mechanisms to engage the Civic Forum;
- encouraging initiatives, by funding and evaluating pilot projects, at the local level, and by making crime mapping information available to local partnership bodies;
- setting the monitoring and funding requirements for centrally-funded projects;
- spreading good practice and mainstreaming successful demonstration projects;

- advising Ministers on community safety policy; and
- publishing an annual report setting out progress against strategic objectives, funding activity and the contributions of departments and agencies towards community safety objectives. [para. 11.64]

198 We recommend that the Community Safety Unit should develop guidance packs, covering such issues as:

- advice for developing local schemes;
- training manuals;
- publicity and “how to consult” guides;
- crime audit guides and assistance;
- help and guidance in relation to monitoring and evaluation; and
- advice on preparing bids for funding. [para. 11.65]

199 We recommend that a central Community Safety Unit be staffed by a team of people who bring a range of knowledge and experience to bear, including knowledge of community safety, wider government social and economic policy, finance, research and evaluation, and training issues. There would be merit in some staff working in the team on a secondment basis, from the police and probation for example, and at least one research officer should be included. It should be headed by someone of sufficient stature to command respect and confidence within and beyond government in Northern Ireland. In addition, given the acknowledged expertise developed within the Community Safety Centre, we recommend that it and its staff be integrated into the team. [para. 11.68]

200 We recommend that, until such time as responsibility for criminal justice issues is devolved to the Northern Ireland Assembly, the Community Safety Unit should be located within the Northern Ireland Office. [para. 11.69]

201 On devolution, we recommend that the Community Safety Unit be located within the Office of the First Minister and Deputy First Minister. If that proves impracticable then it should be located within a justice department; but steps should be taken through central machinery to ensure that community safety is addressed on a co-ordinated, inter-departmental basis. Committing departments and agencies to contributing to an annual report on community safety would be one way of encouraging such an approach. [para. 11.70]

202 We recommend the creation of a non-statutory and advisory Community Safety Council, which should comprise representatives from local partnership bodies together with representatives of the relevant departments and statutory agencies, and should be supported by the Community Safety Unit. [para. 11.71]

203 We also recommend that relevant agencies should have a clear statutory responsibility for helping to prevent crime and reduce the fear of crime and to contribute to community safety. Relevant agencies might include the Probation Service, social services, education and health authorities, and the Public Prosecution Service. [para. 11.72]

204 Based on what we have seen elsewhere, we recommend that the Community Safety Unit should have a budget to fund demonstration projects, to fund projects which are of a scale or geographic extent beyond the capabilities of local partnership arrangements, for the production and dissemination of good practice guides, and to provide seed-corn funding for the administration and implementation of local partnership projects and arrangements. We further recommend that the arrangements for funding new initiatives should include a requirement that a percentage of the funds allocated be devoted to evaluation of the project. [para. 11.73]

205 We make the following recommendations:

- That district councils be given the power to contribute an amount initially up to the equivalent of a rate of 3p in the pound, for the purpose of funding community safety initiatives.
- The legislation containing the power to raise such funds and authorising expenditure on community safety matters should on its face, or through regulations, contain clear guidelines about the raising of such funds and the use to which they might be put. For example, expenditure should be based on a clearly established analysis of local crime as defined in the local community safety strategy.
- CSPPs should be encouraged to seek funds from other sources, including the private sector.
- CSPPs should be able to seek a limited amount of funding from the central Community Safety Unit. Such funding might be provided on a matching basis, thus providing the CSPPs with an incentive to seek alternative sources of funds, whether from district council funds, the private sector or elsewhere. [para. 11.75]

206 We recommend that the Community Safety Unit should draw up funding guidelines as a matter of priority. [para. 11.76]

Sentences, Prisons and Probation

207 We recommend that the current sentencing framework for adults be reviewed to establish whether it could adequately accommodate restorative interventions where appropriate and, if not, to consider what changes might be made in order for it to do so. [para. 12.52]

- 208** We recommend that it should be a recognised function of the Probation Service to provide aftercare and support, including supervision, to discharged prisoners and that the service should be adequately resourced to this end. Our expectation is that the Prison and Probation Services should work together to prepare release packages for prisoners. These arrangements should be evaluated with a view to considering whether compulsory supervision should be introduced. [para. 12.56]
- 209** We recommend that judges when sentencing should explain in greater detail and in simple language the impact of the sentence, including the fact that, with remission, the offender may be eligible for release having served half the sentence and that time spent in prison awaiting trial may count towards the period served. [para. 12.60]
- 210** We recommend that the current Life Sentence Review Board be replaced by an independent body that is not part of the Northern Ireland Prison Service or the proposed Department of Justice. Its membership should include individuals with an expertise in psychiatry or psychology and it should have a judicial input that would enable it to act as a tribunal for dealing with discretionary and Secretary of State's pleasure cases. Its membership might also include individuals with expertise in criminology. [para. 12.64]
- 211** In relation to all indeterminate sentence cases, including mandatory life sentence cases, we recommend that judges when sentencing should be required to set a period for retribution and deterrence (equivalent to the tariff set in England and Wales). In most cases the period would be a fixed term of years, although it must be envisaged that some offences might be so serious that a whole life period would be appropriate. The period would be announced in open court and would be appealable. Once this period had been served, it would be the responsibility of the independent body to determine, primarily on grounds of risk, when the prisoner should be released. [para. 12.65]
- 212** We recommend that the practice of Board of Visitors adjudication should end. [para. 12.69]
- 213** We understand that the Prison Service, RUC and DPP are currently considering a protocol that would guide the prison authorities on the circumstances in which the RUC and DPP should be brought in to deal with prison offences, and we recommend that this protocol be speedily completed and published. [para. 12.75]
- 214** We recommend some increase in the penalty available to governors, which would need to be consistent with European Court findings (including in relation to cases currently before the European Commission). [para. 12.75]
- 215** We recommend that a mechanism be set up to oversee programmes in both prisons and the community with a view to ensuring continuity and consistency, and also ensuring that evaluations are published and, where appropriate, form the basis for the roll-out of successful schemes. [para. 12.80]

- 216** We conclude that electronic monitoring is a technique that should be kept under review in the light of developing experience elsewhere, including in England and Wales. It is an issue which could be remitted to the Criminal Justice Issues Group. [para. 12.83]
- 217** We suggest that consideration be given to recruiting a small number of non-executive members to the management board of the Service. They might be selected on the basis of the particular managerial skills that they would bring to the board. [para. 12.91]
- 218** We recommend that prison governors should be expected to consider programmes of outreach into nearby communities. [para. 12.92]
- 219** We attach great importance to the training of prison staff in cultural awareness; furthermore, given the extent of change being experienced by the Service, we endorse the view that particular emphasis should be given to training in new roles and skills to enhance the ability of prison officers to work effectively with prisoners. [para. 12.93]
- 220** We consider that this would be an opportune time for the Northern Ireland Prison Service to look at its uniform requirements. [para. 12.94]
- 221** The Probation Service must, on the basis of it being able to demonstrate value for money and efficient working, be properly resourced to reflect its workload and its continuing need to support voluntary organisations working alongside it. [para. 12.102]
- 222** We recommend that, on devolution of criminal justice matters, the Probation Service be reconstituted as a next steps agency. This would mean that responsibility for probation services would lie directly with the relevant Minister, on the same basis as the Prison Service. Both agencies would be supported by small management boards comprising senior staff. [para. 12.103]
- 223** A senior officer of the Probation Service should sit on the prisons management board and a senior prisons official should sit on the probation management board. [para. 12.103]
- 224** We recommend that the responsible Minister be supported by an advisory board which would advise on all matters to do with probation, prisons and juvenile justice. It would comprise the heads of the three organisations and members with an interest in correctional and related matters, drawn from the voluntary and community sector, children's organisations and social and related services. [para. 12.104]
- 225** The advisory board would assist the Minister in considering strategic and policy issues, determining priorities, setting standards and monitoring service delivery. The board would have a special interest in ensuring co-ordination and co-operation on the delivery of services where appropriate. [para. 12.104]
- 226** The framework document determining the relationships between the Probation Agency and the core department should make clear that operational decisions in relation to individual

cases are entirely a matter for the professional staff. It should also make clear that, although these decisions may be scrutinised in the course of inspection, neither administrative civil servants in the core department nor the Minister would play a part in them, unless consulted by the professionals. [para. 12.105]

- 227** We recommend that particular consideration be given to the following:
- staff exchanges between the organisations;
 - joint training programmes; and
 - joint approaches to the development of offending behaviour programmes that can be delivered in the custodial and community settings, together with arrangements for accrediting, monitoring and evaluating them (with evaluations being published). [para. 12.106]

Victims and Witnesses

- 228** The interests of victims should feature in the codes of practice and plans of all criminal justice organisations that interface with them, and in the criminal justice plan that we advocate for the system as a whole. [para. 13.38]
- 229** We recommend that a sub-group of the Criminal Justice Issues Group should maintain a specific focus on victims issues, should monitor and evaluate the new arrangements and should report regularly. It should include both statutory and voluntary agencies that are concerned with the provision of criminal justice services to victims. [para. 13.40]
- 230** The possibility of a victims' advocate should be considered again in the future if new arrangements on behalf of victims are seen not to be working effectively. [para. 13.40]
- 231** We recommend that the agency which has lead responsibility for working with victims at particular points in the criminal justice process should be clearly delineated. [para. 13.41]
- 232** We recommend that the lead role in ensuring the provision of information and explanation to victims and seeking their views be taken by the police until such time as the case is passed to the prosecutor, that is until a suspect is charged or a summons issued (although as a matter of practicality it is recognised that the police will have a significant role until the file is received in the prosecutor's office). The lead role (including notifying the victim of the outcome of the case in the courts) would subsequently be taken by the prosecutor until the case is finished in the courts. The prosecutor would also lead on any issues arising out of an appeal. [para. 13.42]

- 233** Where a custodial sentence was imposed, the Prison Service would then take the lead. Where a non-custodial sentence was imposed, and the victim had an interest in being kept informed, the Probation Service would take the lead. [para. 13.42]
- 234** In the case of a diversionary measure which involves victims, the agency or body responsible for implementation would have responsibility for informing victims about the progress and, where contact between victim and offender is envisaged, for taking steps to ensure the safety of victims. [para. 13.42]
- 235** Each lead agency should have a clearly advertised point of contact. [para. 13.42]
- 236** We recommend that the criminal justice agencies in Northern Ireland should build on their existing commitments in the Code of Practice for victims, in which they undertake to provide information at various stages in the criminal justice process (although not if it is against the wishes of the victim). The provision of information should not be limited to cases that the criminal justice system might classify as “serious”. [para. 13.45]
- 237** We recommend that it should be for the lead agency to ensure the necessary information is made available, although it may be appropriate for the information to be passed through or provided by a third party. [para. 13.45]
- 238** We recommend that wherever possible victims should be informed and consulted about the development of their cases. But when and how to consult them, particularly those who are witnesses, must be a matter for the professional judgement of the prosecutor. [para. 13.47]
- 239** On balance and subject to our overriding recommendation that when and how to consult must be a matter for the professional judgement of the prosecutor, we recommend that the general rule, building on the Director of Public Prosecutions’ current practice, should be for victims to be consulted about important changes in the way that “their” case is being handled. We also recommend that information about such changes should be actively offered rather than the victim having to request it, although we accept that it might not be possible to consult victims in certain circumstances, for example, if they are not at court when decisions have to be taken. [para. 13.51]
- 240** We recommend that practice be reviewed to ensure that the prosecutor who will be responsible for a wider range of cases than hitherto considers the effect of the crime on the victim and makes certain that those acting on behalf of the prosecution, including independent practitioners, bring all relevant information to the attention of the court and up-date it regularly. This would include not only information from the victim but also information from others, for example medical professionals, who would be able to advise on the effect on the victim or on similar cases. We consider it important that the responsibilities of the prosecutor in this regard be given due prominence in relevant publications of principles and codes of practice. [para. 13.55]

- 241** We draw attention to the importance of maintaining the duty of prosecuting advocates to challenge allegations about victims made by the defence in absence of supporting evidence. [para. 13.56]
- 242** We recommend three changes in practice relating to the giving of information about the release, or likely release date, of prisoners:
- Where an offender is sentenced to custody and where the victim wishes, the Prison Service should be responsible for explaining the impact of the sentence including the likely release date and the likely arrangements for temporary release. It should be the responsibility of the prosecutor to check whether the victim wishes to use this service and if so to put the victim in touch with the Prison Service.
 - Where information about release is requested by the victim, the Prison Service should be required to give it, provided the prisoner is not put at risk.
 - The Prison Service should put in place formal mechanisms to deal with concerns expressed by victims about safety, particularly in relation to temporary release. [para. 13.59]
- 243** We recommend that publicly funded witness support schemes should be made available at all Crown Court and magistrates' courts venues. Children should be included in such arrangements on a basis determined in the light of the outcome of evaluation of the current pilot scheme. [para. 13.62]

Law Reform

- 244** We recommend that a Law Commission for Northern Ireland be established by statute to keep under review criminal and civil law, including procedure and practice, and to make recommendations to the Government on whatever changes it considers necessary or desirable. The establishment of such a Commission should not be dependent upon responsibility for criminal justice matters being devolved. [para. 14.51]
- 245** We believe the functions of the Law Commission for Northern Ireland should include:
- reviewing the current state of the law and coming forward with recommendations for reform;
 - modernising and, where appropriate, simplifying and consolidating legislation;
 - providing advice to Government as to the most suitable topics for law reform and the most appropriate agencies to make a study of the options for reform;

- keeping abreast of developments in other jurisdictions, including in particular England and Wales, Scotland and the Republic of Ireland;
- working closely with Law Commissions in England and Wales, Scotland and the Republic of Ireland with a view to assessing the scope for harmonisation of the criminal law and procedure in all four jurisdictions;
- commissioning research; and
- inviting suggestions for reform and consulting as widely as possible. [para. 14.53]

246 The Law Commission should consider both substantive law and procedural matters, taking account of current practice and implications for criminal and civil justice. [para. 14.54]

247 We recommend that the Commission be chaired by a High Court judge on a part-time basis. [para. 14.55]

248 We recommend that membership of the Law Commission should include a senior barrister, a senior solicitor, a legal academic, and one lay person. Members should be remunerated. [para. 14.55]

249 If a Law Commission were to be established in advance of responsibility for criminal justice being devolved, then its members should be appointed by the Secretary of State for Northern Ireland, consulting the First Minister and Deputy First Minister. In this event, the Commission should agree its programme of work with the Secretary of State and First Minister and Deputy First Ministers. It should submit its reports jointly to the Secretary of State and relevant members of the Northern Ireland Executive Committee. Its reports should be tabled before the Northern Ireland Assembly and Westminster Parliament, and should be published. [para. 14.56]

250 Once responsibility for criminal law matters is devolved, responsibility for appointing members to the Commission could pass to the Attorney General for Northern Ireland who would consult with departmental Ministers, as appropriate, and consider government remits for the programme. [para. 14.57]

251 Policy responsibility for law reform matters would be assumed by the Minister responsible for justice matters. [para. 14.57]

252 We recommend that in developing its programme of work, the Commission should make its own suggestions and receive remits from government. In drawing up its programme of work it should also take account of views of others through a consultation process. [para. 14.59]

253 We recommend that the Law Commission should receive a sufficient budget for books and materials and to facilitate the commissioning of research and project work. We further

recommend that the Law Commission be required to make all publications publicly accessible. [para. 14.60]

254

We have identified a number of matters that were raised with us in the course of consultation, some of which are reflected elsewhere in the report, which we believe it would be appropriate for the Law Commission for Northern Ireland to consider as part of its early programme of work:

- The disclosure procedures under the provisions of the Criminal Procedure and Investigations Act 1996.
- Plea bargaining, focusing on issues concerning formalisation, transparency and human rights.
- Domestic violence, in particular how current law, policy and practice helps or hinders prevention, protection and service provision in relation to domestic violence. Such a review should not be confined to criminal procedures, but encompass family and civil remedies as well.
- Producing, for use by practitioners, a simple, clear and concise comparative guide to criminal law and procedure in Northern Ireland and the Republic of Ireland. [para. 14.62]

255

In the event of criminal justice responsibilities being devolved, we recommend that responsibility for criminal law and procedure and those aspects of civil law which are currently the responsibility of the Office of Law Reform should be brought together within a new Department of Justice. [para. 14.63]

Organisation and Structure

256

We recommend that responsibility for the same range of criminal justice functions as are devolved to the Scottish Parliament should be devolved to the Northern Ireland Assembly. Our preference is that they should all be devolved at the same time. [para. 15.56]

257

We recommend the creation on devolution of a single Department of Justice, headed by a Minister for Justice, bringing together all justice functions other than prosecution, responsibility for the Law Commission and judicial matters. [para. 15.62]

258

We recommend that as peace and political stability become embedded efforts should be made to find an alternative site for the Forensic Science Agency that would not be shared with the police. [para. 15.64]

259

There is scope for enhancing the management arrangements for the Agency and we recommend that a forensic science professional or academic from another jurisdiction in the United Kingdom should be invited to join the Agency's advisory board. We recommend secondments to and from other forensic science organisations to encourage professional

development and discourage the development of a police or prosecution-focused culture. [para. 15.65]

260 As regards the State Pathology Department, we note its particularly heavy workload and recommend that it be reviewed to ensure that the expertise of its staff is properly deployed. We also note the limited administrative support arrangements for the State Pathology Department, and recommend that it should be strengthened to ensure that the professional staff are able to devote their time to professional tasks. [para. 15.66]

261 We recommend that the existing Criminal Cases Review Commission should continue to consider cases that involve alleged miscarriages of justice emanating from Northern Ireland. [para. 15.67]

262 We recommend that agency annual reports should, as a matter of course, be laid before the relevant departmental committee. In addition, if the Assembly constitutes a standing committee for the criminal justice system as a whole, we recommend that it and any departmental committees should receive and consider an annual report on the system in its entirety, prepared by the Criminal Justice Board. [para. 15.70]

263 We recommend the creation of a statute-based, independent Criminal Justice Inspectorate which should:

- be responsible for ensuring the inspection of all aspects of the criminal justice system other than the courts;
- be funded by the Minister for Justice, and that the Chief Criminal Justice Inspector should be appointed by that Minister;
- present its inspection reports to the Minister for Justice, the responsible Minister (if the agency inspected is the responsibility of another Minister) and the relevant departmental committee or standing committee;
- publish its reports and make them widely and readily available;
- publish an annual report of its activities, present that report to the Minister for Justice, and lay it before the relevant departmental and standing committees;
- be responsible for advising Ministers on standards within criminal justice agencies (standard setting should remain the prerogative of Ministers);
- employ a range of full and part-time inspectors and buy in expertise, including that from other inspection agencies in England and Wales and Scotland, as appropriate (such as HM Inspectorate of Prisons and HM Inspectorate of Constabulary);
- be responsible for determining its own programme of inspections, in consultation with the relevant Ministers;

- carry out a range of inspections, including; periodic, cyclical and surprise inspections of systems and structures; thematic, issues-based inspections; and special inspections which might require special skills (e.g. medical expertise); and
- work closely with other inspectorates (e.g. on Health and Safety, Mental Health, and Social Services) and with professional bodies such as the Royal College of Pathologists and the Policy Advisory Board for Forensic Pathology. [para. 15.72]

264 We recommend that Ministers in the Northern Ireland Executive responsible for criminal justice functions, together with the Attorney General for Northern Ireland, should meet regularly to oversee the criminal justice system as a whole. They should, in particular, agree and publish a common set of aims for the criminal justice system. [para. 15.74]

265 We recommend that support to the ministerial group should continue to be provided by the Criminal Justice Board. The Criminal Justice Board should comprise, as at present, the heads of the main statutory agencies within the criminal justice system and senior policy-makers from within the relevant departments. It should comprise:

- The head of the Public Prosecution Service.
- The Chief Constable of the Police Service of Northern Ireland.
- A senior representative from the Attorney General's Office.
- The head of the Department of Justice and of any other department with criminal justice functions.
- The heads of the Prisons, Probation, Courts and Juvenile Justice Agencies.
- The head of the central Community Safety Unit. [para. 15.75]

266 We agree with those who suggested that the membership of the Criminal Justice Issues Group should be expanded to include representatives of the major voluntary sector organisations, given the important role they currently play - and will continue to play in future - in delivering criminal justice, and we so recommend. [para. 15.76]

267 We recommend that the ministerial group, the Criminal Justice Board, and the Criminal Justice Issues Group should continue to be supported by a common secretariat, which should be located within the Department of Justice. [para. 15.77]

268 We recommend the introduction of legislation that will enable statutory time-limits to be introduced in Northern Ireland, should that be judged to be necessary. [para. 15.83]

269 We recommend that in addition to setting target time-limits within which cases should be completed, attention should be paid to the average time taken to process cases at the relevant stages. [para. 15.83]

270 We recommend the establishment of an inter-agency group in Northern Ireland tasked with developing a strategic and co-operative framework for countering organised crime. The core of such a group might be the Department of Justice, the police, Customs and Excise, the Public Prosecution Service and the central Community Safety Unit. [para. 15.84]

Research and Evaluation

271 We recommend that the Criminal Justice Board should be tasked with taking forward further work on the harmonisation of statistical categories across the criminal justice system and ensuring co-operation between agencies in sharing information. [para. 16.20]

272 In all planning and framework documents, a duty should be placed on agencies to share information, provided that protocols are in place to ensure that this does not harm the interests of justice or enable individuals to be publicly identified. [para. 16.20]

273 We recommend that evaluation should be an integral part of business planning for the development of new policies and programmes and that provision for evaluation should be included in the funding of crime reduction projects. Such evaluation will need to be addressed in a proportionate manner and, especially where small sums are involved, it might not necessarily always involve the use of academic researchers or consultants. However, we have no doubt that if evaluation and the other drivers for research identified above are to be taken seriously, then there will be a need to increase the criminal justice research capacity in Northern Ireland. [para. 16.23]

274 We recommend that the Statistics and Research Branch of the Northern Ireland Office should have responsibility for the collation of statistical information across the criminal justice system. [para. 16.24]

275 In order to enhance the critical mass of criminal justice research expertise within government and to build on links with outside research institutions, we recommend the use of secondments and staff exchanges between government and outside research institutions. Further, we recommend that government and outside researchers should work together to build up the pool of research capabilities, and work collaboratively on such matters as research projects, seminars, conferences and training. [para. 16.25]

276 We recommend that some funding be targeted towards fostering co-operation between researchers through joint conferences and seminars, and suggest that specific research projects might be undertaken on an all-island basis. [para. 16.25]

277 We recommend that discussions take place between those in government responsible for justice matters, NISRA, the Department of Higher and Further Education, Training and Employment and the universities with a view to developing a costed research strategy. [para. 16.27]

Structured Co-operation

278 We suggest that a group of criminal justice policymakers from the two jurisdictions be established. The purpose of such a group would be to identify and advise on the opportunities for co-operation at government level and between the criminal justice agencies North and South, taking account also of the need for effective co-operation with other parts of these islands. It would also take forward consideration of the recommendations of this review on structured co-operation. In its work, the group would take account of the impact of developments at the European Union level and the opportunities these afford for enhancing bilateral co-ordination and co-operation. [para. 17.30]

279 We recommend that the scope for the joint delivery of training, education (including continuing professional development) and the exchange of good practice on criminal justice issues should be examined. [para. 17.34]

280 We recommend that consideration be given to the scope for regular personnel exchange between agencies such as probation, prosecution, prisons, courts and criminal justice policymakers. [para. 17.35]

281 We recommend that consideration be given to recognition of qualifications and the possibility of harmonising standards between the two jurisdictions, while recognising the importance of compatibility between Northern Ireland and other parts of the United Kingdom. [para. 17.36]

282 We recommend fostering co-operation between researchers through joint conferences and seminars, and suggest that specific research projects might be undertaken on an all-island basis. [para. 17.38]

283 We recommend that the central Community Safety Unit should develop close links with its counterparts in the Republic of Ireland, Scotland, England and Wales, and more widely. [para. 17.39]

284 We endorse close liaison between the two jurisdictions in sharing information about trends and what works in education and prevention in relation to the misuse of drugs. [para. 17.40]

285 We recommend that both jurisdictions consider the cross-border dimension with a view to developing reciprocal arrangements for victim and witness support, particularly in relation to providing information, protection, and counselling. [para. 17.42]

- 286** We recommend that the issue of developing mutual arrangements for continued enforcement of non-custodial sentences and post-custodial supervision should be addressed. Arrangements for accessing programmes available in the other jurisdiction should also be considered. [para. 17.46]
- 287** Specifically in the context of the new juvenile justice arrangements we suggest that there should be flexibility to allow the use of cross-border facilities for youth conference orders. [para. 17.47]
- 288** We recommend that consideration be given to facilitating the temporary transfer of prisoners between Northern Ireland and the Republic of Ireland. [para. 17.49]
- 289** We suggest that discussion of the development of relevant forensic science databases and the scope for exchanges of information should take place under the structures for co-operation. [para. 17.51]
- 290** We recommend that the possibility of widening access to services such as forensic science and pathology across jurisdictional boundaries be investigated. [para. 17.52]
- 291** With a view to sharing information between the authorities in the two jurisdictions, we recommend that the possibility of co-ordinating an approach to dangerous offender registers be given consideration. [para. 17.53]
- 292** We recommend that consideration be given to inviting the Law Commission, which we have recommended for Northern Ireland, to co-operate closely with the Commissions in the other three jurisdictions in these islands with a view to promoting the harmonisation of aspects of criminal law and procedure in all four jurisdictions. [para. 17.57]
- 293** We recommend that consideration be given to producing, for use by practitioners, a simple, clear and concise comparative guide to criminal law and procedure, North and South. [para. 17.58]
- 294** We recommend that there should be discussion within the structures for co-operation on how reciprocal arrangements might be developed to ensure the effectiveness of reporting restrictions. [para. 17.60]