

2 Experience of Crime and Criminal Justice in Northern Ireland

Introduction

- 2.1** This chapter summarises information on the extent of crime in Northern Ireland both as recorded and as perceived by members of the public. It also summarises information on who are the victims of crime, what contact people have with the criminal justice system, and what people think about the system and its constituent parts. Much of the information comes from existing sources. However, we considered it very important to have as full a picture as possible and we therefore commissioned three surveys of the public's views on the criminal justice system and a study that focused on the views of 24 groups of people selected to be reflective of the community.

Extent of Crime

- 2.2** Northern Ireland is a relatively low crime jurisdiction. Recent findings from the *1998 Northern Ireland Crime Survey*¹ show that around 23% of households experienced at least one crime during 1997. In comparison for the same year the *British Crime Survey*² estimated that this applied to 34% of households in England and Wales. Compared to England and Wales people in Northern Ireland experience a lower incidence of most crimes. For example, in Northern Ireland in 1997 13% of households experienced some form of vehicle-related theft or vandalism and 2.5% of households experienced burglary. The equivalent figures for

1 Power, Willis and Amelin, *Fear of Crime and Victimisation in Northern Ireland: Findings from the Northern Ireland Crime Survey* (1999), NIO Research Findings 1/99.

2 Mirrlees-Black, Budd, Partridge and Mayhew, *The 1998 British Crime Survey* (1998), Home Office Statistical Bulletin 21/98.

England and Wales were 22% for vehicle crime and 5.6% for burglary. However, experience of violent crimes, such as muggings, woundings and assaults, was similar in the two jurisdictions: 4.4% in Northern Ireland and 4.7% in England and Wales.

2.3 Northern Ireland is also a low crime area in comparison to most European jurisdictions. The most recent international survey of victims of crime, the *International Crime Victimisation Survey*,³ showed that of the 11 participating countries, Northern Ireland had the lowest proportion of respondents who were victims of crimes covered by the survey. On average, across all the jurisdictions surveyed which included the USA, Canada and several countries from Western Europe, 24% of people reported that they were victims of crime, compared with 17% in Northern Ireland.

2.4 Within this overall picture, however, there are variations in the experience of different types of offence. For example, the *International Crime Survey* showed that car theft in Northern Ireland was at a higher than average rate (1.9% of car owners in Northern Ireland experienced vehicle theft during the twelve months prior to the survey compared with an average of 1.4% in other jurisdictions), whereas the rate of thefts from cars was below average (3.8% compared with 6.1%). A recent comparison with other European jurisdictions⁴ showed Northern Ireland as having one of the highest recorded rates for rape.

2.5 The relative risk of being a victim of crime may also be measured by comparing the number of crimes recorded by the police with the size of the population. The recently published *European Sourcebook of Crime and Criminal Justice Statistics*⁵ which has standardised definitions for some types of crime shows that annual crime rates per 100,000 population are lower in Northern Ireland for theft (2,000) and burglary (1,001) than in most European jurisdictions, while rates for violent offences such as homicide (6.8), rape (18.1) and armed robbery (40.7) tend to be higher.

2.6 In April 1998 a new system for counting and recording crimes was introduced in England and Wales and in Northern Ireland. As a result current figures for recorded crime are not directly comparable with those of previous years. The new system focuses more on the effect of crime on victims and counts a greater number of minor offences than previously. For example, behaviour resulting in criminal damage to several vehicles might previously have been recorded as one crime, whereas now the figure would be determined by the number of vehicle owners affected. The changes mean that the recorded crime figures now reflect better the amount of crime which victims suffer and with which the police must deal.

2.7 In 1998/99 there were just over 109,000 crimes recorded under this new system in Northern Ireland. This represents a rate of 6,458 per 100,000 population compared to a rate of 9,785 in

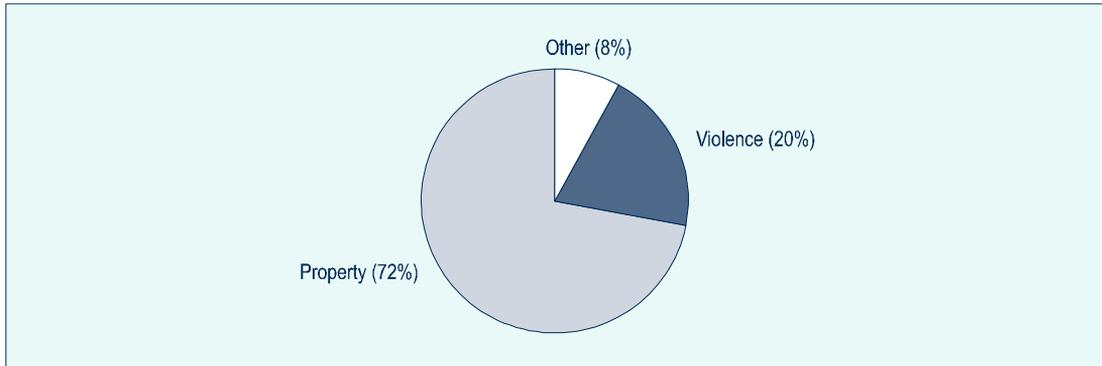
3 Mayhew and Van Dijk, *Criminal Victimisation in Eleven Industrialised Countries: Key findings from the 1996 International Crime Victims Survey* (1997), Onderzoek en beleid. Ministry of Justice, Netherlands.

4 *European Sourcebook of Crime and Criminal Justice Statistics*, Council of Europe publication, 2000.

5 *European Sourcebook of Crime and Criminal Justice Statistics*, Council of Europe publication, 2000.

England and Wales under the same counting rules. The majority of crimes were property offences, which include burglary, theft and criminal damage. These accounted for 72% of all recorded crime. Violent offences, including violence against the person, sexual offences, and robbery accounted for almost 20%, and drug offences for 1.3% of all recorded crime.

Recorded Crime in Northern Ireland 1998/99



2.8 In order to place 1998/99 in the context of evolving trends in recorded crime, an exercise has been undertaken to produce figures for that year based on the old counting methods. Because of new approaches to the collection of data, the figures are not directly comparable. However, it is noteworthy that the adjusted figures for 1998/99 suggest an increase in recorded crime of around 28% in Northern Ireland when compared with the previous year. Moreover, two important categories of offence, which should not have been affected by the counting rule changes, both showed significant increases in 1998/99: burglary up 13% and sexual offences up 14%. By comparison, the equivalent exercise in England recorded a slight year on year decrease in recorded crime.

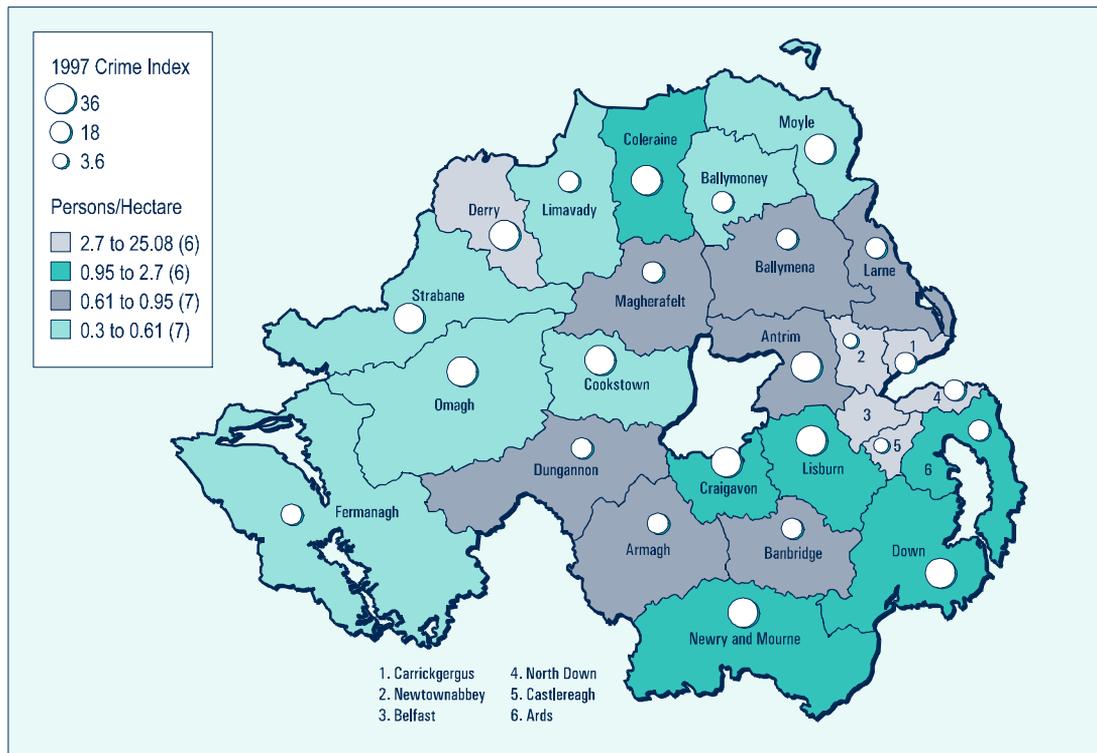
2.9 These figures must be interpreted with a degree of caution. In particular, changes in the preparedness of people to report crime, which might be associated with the evolving political and security situation, would affect levels of recorded crime. However, on the basis of available research and anecdotal evidence, we have little doubt that there was a significant increase in recorded crime in Northern Ireland last year. We regard this as important, especially in the light of suggestions made to us during our consultations from sources inside and outside the criminal justice system that the end of civil strife in Northern Ireland might be associated with an increase in ordinary crime. In our view, the figures point up the importance of effective strategies for the reduction of crime and the fear of crime at local and national level (see Chapter 11).

WHERE DOES CRIME OCCUR?

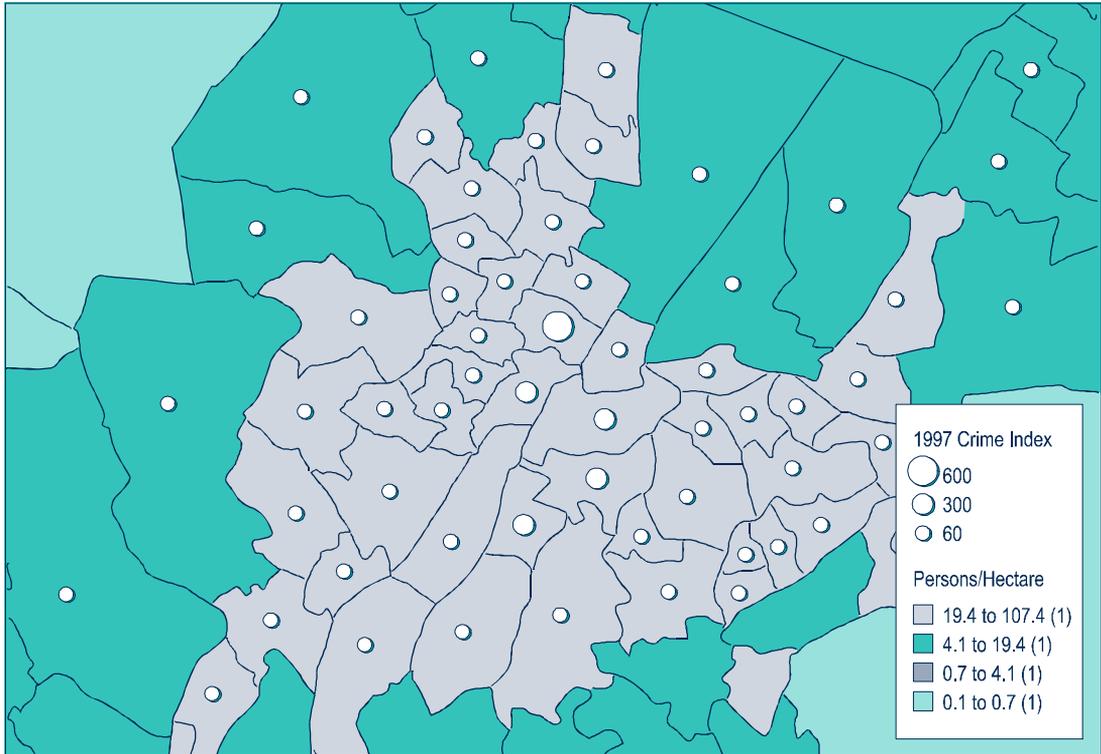
2.10 Levels and patterns of crime vary considerably from area to area and, of course, people are most worried about what is happening in their own locality. During our consultations, and especially in the seminars, we heard the concerns of people about particular manifestations of criminal behaviour in their area, their estate or sometimes even their street.

2.11 The Statistics and Research Branch in the Northern Ireland Office, with the assistance of the RUC and working with the Community Safety Centre (see Chapter 11), is developing a model for mapping crime in Northern Ireland. Maps 1 and 2 give an indication of the number of crimes per thousand of population in each District Council area and within Belfast. (More detailed mapping is possible. The figures can be disaggregated into smaller areas and by types of crime and work is currently being undertaken to relate them to other variables such as employment levels.) Outside Belfast, new and expanding towns tend to have higher crime rates than the norm, while places such as Castlereagh and Newtownabbey have lower rates. Within Belfast, the areas that experience the highest overall rates of crime tend to be around the city centre area where offences such as car theft, shoplifting and assault predominate.

*MAP 1 - Recorded Crime Indices for Northern Ireland in 1997
District Council Areas (except Belfast) by Population Density*



MAP 2 - Recorded Crime Indices for Greater Belfast in 1997
Wards by Population Density



The indices refer to the number of crimes per 1,000 of population

WHO ARE THE VICTIMS OF CRIME?

2.12

The 1998 *Northern Ireland Crime Survey*⁶ indicated that people living in the Belfast City Council area are more likely to be victims of property crime (thefts and burglary) than those living in other parts of Northern Ireland. Where you live, however, did not seem to affect the risk of being a victim of a violent crime. The 1998 Survey found that younger people were more likely to be victims of violent crime than older people (11% of 16-29 year olds compared to 1% of people 60 years old or over), and men more likely than women (7% compared to 2.5%). Similar patterns are found in other jurisdictions.⁷

6 Power, Willis and Amelin, *Fear of Crime and Victimisation in Northern Ireland: Findings from the Northern Ireland Crime Survey* (1999), NIO Research Findings 1/99.

7 Mirrlees-Black, Budd, Partridge and Mayhew, *The 1998 British Crime Survey* (1998), Home Office Statistical Bulletin 21/98.

Views about Crime

- 2.13** Over the past few years there has been a shift in people's views about the level of crime in their local area, with more people thinking that crime has increased. In the most recent *Northern Ireland Crime Survey* (1998)⁸ fewer people thought that the level of crime in their local area had not changed in the previous two years (47% compared to 56% in 1994/95), and more people thought that crime in their local area had increased (41% compared to 30% in 1994/95). There was a greater than average tendency to believe that crime had increased amongst women, people aged between 30 and 59, those living outside Belfast, and Protestant respondents. The *British Crime Survey*⁹ indicated that 47% of respondents in England and Wales thought that crime in their local area had increased.

Worry about Crime

- 2.14** People in Northern Ireland worry about becoming victims of crime,¹⁰ but less so than people in England and Wales.¹¹ Generally, women worry more than men do and younger people more than older respondents do. Most people feel safe in their own homes, but more women than men, particularly older women, feel unsafe out alone after dark.
- 2.15** Women and men focus their concerns on different types of crime. Women worry more about becoming victims of physical and sexual attack, whereas men's worries are concerned mainly with car crime. Unsurprisingly, the research shows that fear of crime is greater among those who have been victims.¹²
- 2.16** Of those who responded to the 1998 *Northern Ireland Crime Survey*,¹³ 15% said that they never or hardly ever went out after dark. This group consisted mainly of older people and women. However the reasons given for not going out after dark appear to be more to do with personal preference than specifically about fear of crime. Nevertheless, around 37% of people thought that the quality of their lives was in some way affected by fear of crime, while 6% said that their lives were greatly affected. The tendency to report that their lives have

8 Power, Willis and Amelin, *Fear of Crime and Victimisation in Northern Ireland: Findings from the Northern Ireland Crime Survey* (1999), NIO Research Findings 1/99.

9 Mirrlees-Black, Budd, Partridge and Mayhew, *The 1998 British Crime Survey* (1998), Home Office Statistical Bulletin 21/98.

10 Power, Willis and Amelin, *Fear of Crime and Victimisation in Northern Ireland: Findings from the Northern Ireland Crime Survey* (1999), NIO Research Findings 1/99.

11 Mirrlees-Black, Budd, Partridge and Mayhew, *The 1998 British Crime Survey* (1998), Home Office Statistical Bulletin 21/98.

12 Power, Willis and Amelin, *Fear of Crime and Victimisation in Northern Ireland: Findings from the Northern Ireland Crime Survey* (1999), NIO Research Findings 1/99.

13 Power, Willis and Amelin, *Fear of Crime and Victimisation in Northern Ireland: Findings from the Northern Ireland Crime Survey* (1999), NIO Research Findings 1/99.

been affected by crime is greater among women, inhabitants of Belfast, those living in public sector or housing association property (rather than in their own home or rented property), the disabled, and those who have a lower income level.

2.17 There is some evidence that people over estimate the amount of violent crime. They also overestimate the amount of crime “cleared up” by the police (generally taken to mean the amount of crime for which people admit guilt, are prosecuted or are dealt with by the police, for example through caution or warning). People estimate that 53% of all crime is violent, whereas it accounted for 20% of recorded crime in 1998/99. They estimate that 41% of crime is cleared up, whereas the recorded figure for 1998/99 was 29%.¹⁴

2.18 Respondents were asked about a range of means that could be used to help reduce crime. A small majority, 53%, thought that increased family discipline would help; 51% mentioned neighbourhood/community watch and 48 % more activities for young people. However, only 42% said that they would be willing to become involved in crime prevention initiatives.¹⁵ A study based on group discussion¹⁶ concluded that the preparedness of community members to become involved in crime reduction activities had been influenced by the context of the Troubles. Its authors suggested that the establishment of crime reduction schemes, such as neighbourhood watch, would be difficult to achieve in a context of political violence. In some cases community involvement in crime reduction was perceived as being synonymous with paramilitary involvement, and there was ambivalence as to how welcome the community found this. The authors further suggested that the complexity and sensitivities surrounding community involvement in crime prevention initiatives were compounded by views about the police and the absence of regular policing in some areas.

What Contact do People have with the Criminal Justice System?

2.19 Most people have had no contact with the criminal courts and they feel that they have a poor understanding of the system. However, the majority of people (88%) think that it is important to understand how the courts work.¹⁷ This is an issue we address in Chapter 8.

2.20 Around 33% have had contact with a court at some stage in their lives, although this includes all courts (criminal, civil and family) and contact in any capacity. In any one year about 8% have contact with the courts. Sixty-six per cent say that they do not understand how the courts work. Far fewer people have contact with the criminal courts, 14% at some stage in

14 Amelin, Willis Blair and Donnelly, Research Report 1.

15 Amelin, Willis Blair and Donnelly, Research Report 1.

16 Dunn, Morgan and Dawson, Research Report 12.

17 *Community Attitudes Survey Sixth Report*, Central Survey Unit, NISRA Occasional Paper No. 10, 1999.

their lives and, of those, two-thirds have had only one encounter. Contact with the courts is a rare and normally one-off event, with people feeling that they have little knowledge of what the courts do.¹⁸

2.21 Of those whose most recent contact with a court had been with a criminal court, for 41% this had been in connection with jury service, 23% had been defendants, 14% witnesses, 5% victims, and 10% were there in support of someone else.¹⁹

2.22 Contact with prisons is also limited. Only 16% of people said that they had ever been inside a prison for any reason at all. In contrast, there is much more familiarity with the police: 32% of people contact the police in any one year and about 10% report a crime to the police at least once a year.

What do People think of the System?

2.23 Despite the lack of direct knowledge of the criminal justice system people generally have a high degree of confidence in the fairness of the system as a whole and in its component parts.²⁰ Seventy per cent of those surveyed report having confidence in the fairness of the criminal justice system. As to its component parts, 77% of the people surveyed expressed confidence in the fairness of judges and magistrates, 75% juries, 74% the police and 72% lawyers.²¹

2.24 Such views, however, were not held uniformly. There were significant differences between the views of Catholics and Protestants about the fairness of the system overall (61% of Catholics confident in its fairness compared with 77% of Protestants), the fairness of judges and magistrates (69% of Catholics confident in their fairness compared with 82% of Protestants) and the fairness of the police (59% of Catholics confident in their fairness compared with 85% of Protestants). In contrast, confidence in the fairness of juries and lawyers was about the same for both Catholics and Protestants.²²

2.25 When asked about the sentences given by the courts, most people (around 75%) thought that they were too lenient.²³ Only 1% thought that sentences were too tough, and about 15% thought that sentences were about right. This is similar to the pattern of views expressed in England and Wales.²⁴ Of the people who thought that crime in Northern Ireland had either

18 Amelin, Willis and Donnelly, Research Report 3.

19 Amelin, Willis and Donnelly, Research Report 2.

20 *Community Attitudes Survey Sixth Report*, Central Survey Unit, NISRA Occasional Paper No. 10, 1999.

21 Amelin, Willis and Donnelly, Research Report 2.

22 Amelin, Willis and Donnelly, Research Report 2.

23 Amelin, Willis, Blair and Donnelly, Research Report 1.

increased or decreased almost two-thirds saw these changes as having been affected by the level of sentences offenders received. Indeed, 34% saw sentencing as the most important factor.²⁵

2.26 As people get older it is more likely that they think sentences are too lenient, and Protestants are more likely than Catholics to think of sentences as lenient.

2.27 With regard to the treatment of young offenders, 63% thought they were treated too leniently by the courts and 55% too leniently by the police. However, 59% thought that the courts and 42% thought that the police did not have enough ways to deal with young offenders. There was substantial support for the idea that people affected by crime should be involved in decisions about how young people are dealt with by the criminal justice system. Indeed, 75% of people said that they would be willing to attend a meeting to help decide what should happen to a young offender who had stolen something from them.²⁶ Willingness to undertake this role would be important in a system of justice which involved restitution and restoration by the offender to the victim. Other research suggests that people think a system involving restitution and restoration is more appropriate for young offenders and first time offenders.²⁷ However, this research also suggests that some people think a system of restoration to be a soft option, a way of avoiding criminals being held to account.

2.28 People were asked how “in touch” they believed parts of the system to be. Overall 66% thought that judges were “out of touch with what ordinary people think”, while the figure for resident magistrates was 53%. Opinion on this issue varied and within some groups there was a relatively high proportion of people who did not express an opinion. For example, men, Catholics and those who described themselves as Nationalist or Republican were more inclined to think that judges and resident magistrates were very out of touch.²⁸ Findings from the *British Crime Survey* also show that most respondents thought that judges and magistrates in England and Wales were out of touch with what ordinary people thought.²⁹ When reasons for such views in Northern Ireland were explored people felt that judges came from a particular social class and were, therefore, seen as isolated from the community and unable to understand ordinary lives. There was a view that courses and continuous training might remedy the perceived isolation of judges and magistrates. There was also a view that the judiciary, as a group, may benefit from the inclusion of more women on the bench.³⁰

24 Hough and Roberts, *Attitudes to Punishment: Findings from the British Crime Survey* (1998), Home Office Research Study.

25 Amelin, Willis, Blair and Donnelly, Research Report 1.

26 Amelin, Willis, Blair and Donnelly, Research Report 1.

27 Dunn, Morgan and Dawson, Research Report 12.

28 Amelin, Willis and Donnelly, Research Report 2.

29 Hough and Roberts, *Attitudes to Punishment: Findings from the British Crime Survey* (1998), Home Office Research Study.

30 Dunn, Morgan and Dawson, Research Report 12.

- 2.29** It is possible that lack of knowledge of and contact with the courts is a factor that affects people's views of judges and magistrates. Also, misconceptions about sentencing practice may be relevant. People who think that sentences are too lenient are also more likely to think that judges and magistrates are "out of touch". This may be of some significance in Northern Ireland given that people have underestimated the proportion of offenders receiving prison sentences for certain types of crime. Respondents estimated that 29% of adult house burglars, 36% of adult muggers, and 61% of male rapists were sent to prison. The actual rate of imprisonment in 1997 was 34% of burglars, 67% of those convicted of robbery, and 90% of those convicted of rape.³¹ Research in England and Wales has demonstrated similar relationships between people's perceptions of sentencing practice and their attitudes on leniency.³²
- 2.30** Turning to other parts of the criminal justice system, people were fairly evenly divided on whether or not the police were "in touch" or "out of touch". A small majority of Protestant respondents (55%) thought that the police were "in touch" while a small majority of Catholics (52%) thought that the police were "out of touch". Over a quarter of respondents did not express a view about the probation service. Of those who did, there was a fairly even split with 38% of people thinking that the probation service was "in touch" and 35% viewing the service as "out of touch".³³

Willingness to Participate in the System

- 2.31** Information on the degree to which people are willing to become involved in the criminal justice system comes from a range of sources. Our commissioned attitudinal surveys and focus group study have been helpful along with existing data from the *Northern Ireland Crime Survey* and the *Community Attitudes Survey*.
- 2.32** From this research it was apparent that there was little knowledge of how the criminal justice system works and how its component parts link together. The focus group study showed that there was a lack of enthusiasm about becoming involved in the criminal justice system. People's concerns ranged from uncertainty and unease about the process to fear of intimidation or harassment.³⁴ These are issues dealt with in Chapter 13.
- 2.33** People were asked about the reporting of crime. Of those who had been victims of crime, 41% said that the crime was reported to the police. People in Northern Ireland most frequently list retribution as the reason for reporting crime (46% of respondents in the 1998

31 Amelin, Willis, Blair and Donnelly, Research Report 1.

32 Hough and Roberts, *Attitudes to Punishment: Findings from the British Crime Survey* (1998), Home Office Research Study.

33 Amelin, Willis and Donnelly, Research Report 2.

34 Dunn, Morgan and Dawson, Research Report 12.

Northern Ireland Crime Survey and 43% in the 1996 *International Crime Victimization Survey*). This is a higher proportion than that found for any of the other countries participating in the 1996 *International Crime Victimization Survey*.³⁵ The reasons given for not reporting to the police were mainly because people thought that the crime was too trivial, that the police could not do anything about it, or that it was sorted out privately. The focus group study reported that people could be reluctant to go to the police for help for fear of reprisals and the power and influence of paramilitary groups.³⁶

- 2.34** People's predictions about their willingness to report a crime that they have witnessed are generally much higher than the actual reporting rates of victims.³⁷ For example, 99% of respondents thought that they would report a burglary if they were the victim - 96% if they were a witness - whereas the proportion of victims who reported their burglary (with loss of property) to the police was 73%.³⁸ Generally, the nature of the crime determined both the willingness to report the crime and to whom the crime is reported. Social factors such as age, religion and socio-economic group were also shown to be of some significance in people's decision whether or not to report a crime. Overall, the following categories seemed rather less likely to report a crime: younger (16-24) and older (those over 65) people, Catholics, and people in manual occupations.³⁹
- 2.35** Most people would report crimes such as burglary, muggings and thefts to the police, but around 66% would report shoplifting and vandalism to the owner of the property. Although most people (78%) would report a case of child sexual abuse to the police a substantial proportion (27%) would report it to social services, indicating also that some would report it to both authorities.
- 2.36** There is some evidence that for most types of crime people's willingness to report a crime is not always matched by a preparedness to give a statement to the police and then give evidence in court. This varies according to the nature of the crime, with more people being prepared to follow through from reporting a crime to giving evidence in court in relation to offences such as mugging, child sex abuse and burglary (especially victims of burglary).
- 2.37** There is evidence that people find appearing in court stressful.⁴⁰ Of those who said that they would be willing to give evidence in court, more than 70% said that they would worry about doing so (71% for magistrates' courts and 73% for Crown Court). By far the greatest cause of such concern was fear of intimidation/retaliation (91% for magistrates' courts and 96% for

35 Mayhew and Van Dijk, *Criminal Victimization in Eleven Industrialised Countries: Key findings from the 1996 International Crime Victims Survey* (1997), Onderzoek en beleid. Ministry of Justice, Netherlands.

36 Dunn, Morgan and Dawson, Research Report 12.

37 Amelin, Willis and Donnelly, Research Report 3.

38 Power, Willis and Amelin, *Fear of Crime and Victimization in Northern Ireland: Findings from the Northern Ireland Crime Survey* (1999), NIO Research Findings 1/99.

39 Amelin, Willis and Donnelly, Research Report 3.

40 Amelin, Willis and Donnelly, Research Report 3.

Crown Court). Also mentioned were worry about standing up and talking (58% for magistrates' courts and 62% for Crown Court), answering questions (39% for magistrates' courts and 41% for Crown Court), and waiting to be called (35% for magistrates' courts and 37% for Crown Court). In comparison, issues such as taking oaths, Crown symbols and wigs and gowns did not feature prominently. For those who said that they would not be prepared to give evidence the pattern of responses was similar.⁴¹ There was a suggestion in the focus groups⁴² that the formality of the system and the language used might put people off and make them nervous and some felt the role of the police in guarding entrances to courts to be off-putting.

2.38 Most people (83%) thought that the courts should offer familiarisation visits to witnesses. Ninety-four per cent who thought that facilities should be made available to ensure that witnesses knew what to expect and have a comfortable place to wait.⁴² The focus group study confirmed that people would be helped by the use of clear language, and explanations of the process and what to expect in court.

41 Amelin, Willis and Donnelly, Research Report 3.

42 Amelin, Willis and Donnelly, Research Report 2.