

a guide to the  
criminal justice system  
in Northern Ireland



This Guide to the Criminal Justice System in Northern Ireland has been designed to explain each aspect of the system, and the roles and responsibilities of those working within it. It should guide you through the system from beginning to end, providing information for a variety of users of the system.

The Criminal Justice System Northern Ireland (CJSNI) is made up of 7 main statutory agencies:

Northern Ireland Court Service	NICtS
Northern Ireland Office	NIO
Northern Ireland Prison Service	NIPS
Police Service of Northern Ireland	PSNI
Probation Board for Northern Ireland	PBNI
Public Prosecution Service	PPS
Youth Justice Agency	YJA

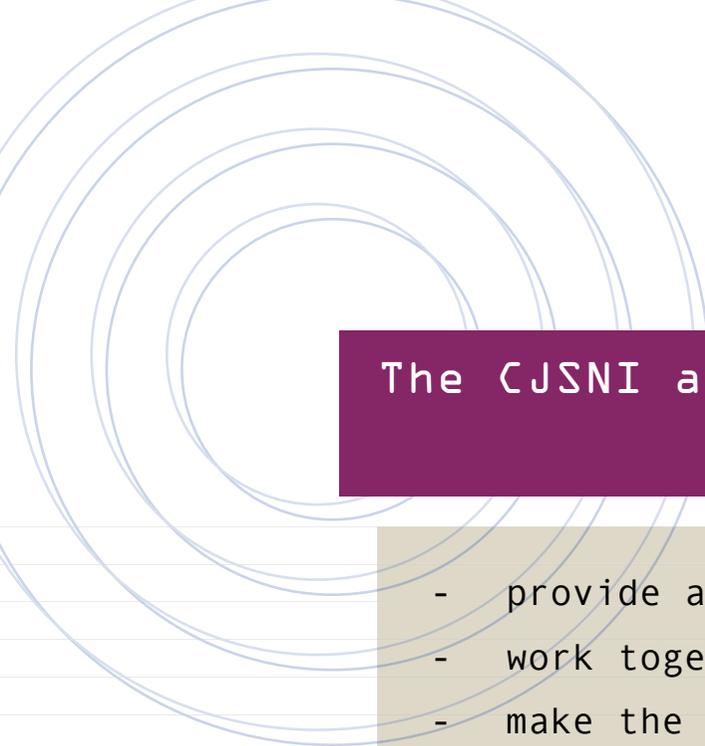


The CJSNI is responsible for investigating crimes, finding the people who have committed them, and bringing them to justice. It also works to help the victims of crime, and to rehabilitate offenders after their punishment.



The purpose of the CJSNI is:  
to support the administration of justice,  
to promote confidence in the criminal  
justice system, and to contribute to the  
reduction of crime and the fear of crime.

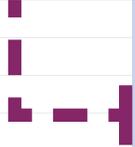




## The CJSNI aims to

- provide a fair and effective criminal justice system for the community;
- work together to help reduce crime and the fear of crime;
- make the criminal justice system as open, inclusive and accessible as possible, and promote confidence in the administration of justice; and
- improve service delivery by enhancing the levels of effectiveness, efficiency and co-operation within the system.

As well as tackling crime and the fear of crime, the CJSNI also has responsibility for ensuring that criminal law is kept up to date. The laws of the United Kingdom are divided into civil law and criminal law, and these laws affect each of us every day in everything we do. Criminal law is there to protect us from crime. Civil law deals with relations between individuals, for example when we buy a house or when we get married. These laws are there to both protect us, and to ensure protection for everyone else.



Since the Human Rights Act 1998 came into force, all laws must comply with the European Convention on Human Rights. In upholding these laws, each organisation within the CJSNI also agrees to adhere to these standards.

Most of us have some knowledge of the criminal justice system through what we read, or see on TV or in the cinema. However, books and films very rarely give an accurate picture of how the system works. This document has been designed to guide you through the criminal justice system and to help you understand the roles and responsibilities of those working within it.

You may already be aware that the CJSNI is going through an ambitious process of modernisation and reform; this guide will be updated as changes occur.

One of the aims of the CJSNI is to make the system easy to understand and open to everyone; we believe this will create greater confidence in the system. Hopefully this guide will improve your understanding by showing, step by step, the core processes, from when a crime is committed, through to the end result, whether that is prison, community disposal or other punishment.

We hope this guide will demonstrate how the criminal justice system operates to serve and protect the people of Northern Ireland.

# CJSNI

## Police Service of Northern Ireland

Role:  
Making Northern Ireland safer for everyone through professional progressive policing.

## Northern Ireland Prison Service

Role:  
To provide prison services in Northern Ireland. Statutory duties are set out in the Prison Act (Northern Ireland) 1953 and rules made under the Act.

## Northern Ireland Court Service

Role:  
Serving the community through the administration of justice in Northern Ireland. Through:

- facilitation of conduct of the business of the courts;
- effecting judgments to which the Judgments (Northern Ireland) Order 1981 apply; and
- the provision of policy advice and legislative support to the Lord Chancellor.

## Youth Justice Agency

Role:  
To support the delivery and development of key services aimed at turning young people away from crime.

## Director of Public Prosecutions

Role:  
To consider the facts or information contained in police investigation files and reach decisions as to prosecution or no prosecution.

## Probation Board for Northern Ireland

Role:  
To carry out risk assessment and provide pre-sentence reports to the courts. To integrate offenders successfully into the community by reducing re-offending.

## Northern Ireland Office

Role:  
To support and help develop an efficient, effective and responsive criminal justice system in Northern Ireland by working in partnership to:

- modernise the criminal justice system and promote community confidence in it;
- reduce criminality and the fear of crime; and
- develop and maintain a relevant body of criminal law.

## Forensic Science Northern Ireland

Role:  
To provide effective scientific advice and support to enhance the delivery of justice.

when a crime  
is committed

## What is the role of the police at the scene of a crime?

The police will investigate the offence. They make sure that no-one spoils the evidence at the crime scene, often by taping off the area. If the offence is a serious one, the crime scene may be photographed and independent forensic scientists may visit it and take samples for examination in the laboratory. If the perpetrator cannot be identified, the police will interview all those, including suspects, who might be able to provide useful information.

A police Scene of Crime Officer will often examine the area to find evidence of how the crime occurred and who committed it. The Scene of Crime Officer is a person who has a scientific/forensic background and investigates scenes of crime for evidence of a forensic nature. The evidence gathered may be used in the police reports and then in court.

DO NOT CROSS POLICE LINE DO NOT CROSS POLICE LINE DO NOT

## When can the police arrest?

When necessary, the police can use powers to arrest someone either with or without a warrant. An arrest warrant is written authority, signed by a Lay magistrate, directing the police to carry out an arrest. However, police can also arrest without a warrant in the following circumstances:

- they suspect that a person has committed, is in the process of committing or is about to commit an arrestable offence (usually more serious offences);
- they suspect that a person has committed or is committing a lesser offence and has failed to give a name and address, or it is necessary to protect other people from harm, or to protect a child or other vulnerable person, or prevent damage to property; or
- they suspect the person of being a terrorist or that they have committed, are committing or are about to commit a terrorist offence.

In all cases, the police have the power to use reasonable force to secure the arrest.

## What happens during arrest?

Firstly the police officer involved must consider if there is a legal authority to carry out the arrest and if a power exists to do so.

During arrest the police officer will inform the person at the time or as soon as practicable that they are under arrest and the grounds for the arrest.

A police officer can make a discretionary decision to grant bail to an arrested person without taking them to a police station on the condition that the person attends a specified police station at a later, specified date. This is commonly known as “street bail”.

Other than when granted street bail, a person arrested for an offence must be taken to a police station as soon as practicable.

An arrested person must be cautioned.

## The caution

You do not have to say anything, but I must caution you that if you do not mention when questioned something which you later rely on in court, it may harm your defence. If you do say anything it may be given in evidence”

## The caution

On arrest, the police must caution the person. This means they must tell them that they have the right to remain silent and anything they do say may be used as evidence in court.

They must also be told that if they fail to say something that they later wish to state in court then the fact that they did not mention it when they should have could also be used against them.

The caution must be given unless the arrested person has been cautioned immediately before the arrest or it is impracticable to do so because of the person's condition at the time. They will also be advised that they have a right to obtain free legal advice before answering police questions.

The police must give the caution in the following circumstances:

- when there are grounds to suspect a person of an offence;
- upon arrest; or
- when a person is to be charged or informed that they may be prosecuted for an offence.

## WHEN A CRIME IS COMMITTED

If the person is under 17 years old, a caution must be given again at the police station in the presence of an appropriate adult. The parent, guardian or relative should be the appropriate adult, unless they:

- are suspected of involvement in the crime;
- are the victim of the crime;
- are a witness to it;
- are involved in the investigation; or
- have received admissions prior to attending to act as an appropriate adult.

A young person can object to a parent acting as an appropriate adult. If the parent or guardian is not available, a social worker or other responsible adult aged 18 years or over, may act as an appropriate adult, provided they are not a police officer or employed by the Northern Ireland Policing Board.

## WHEN A CRIME IS COMMITTED

## What happens at the police station?

The arrested person will meet a Custody Officer who is responsible for:

- the detention and treatment of persons in custody;
- maintaining a complete and accurate record of the detained person's time in custody;
- ensuring that all detained persons are dealt with as quickly as possible and that they are released as soon as there is no longer any need to detain them; and
- ensuring that all detained persons are treated in accordance with the Police and Criminal Evidence (NI) Order 1989 and Codes of Practice.

## Can the police search me if I am arrested?

The police have the power to search a person who has been arrested if that person is a danger to themselves or others, or has concealed anything they might use to assist escape from lawful custody or which might be evidence relating to an offence. This is the case if they have been arrested at a place other than a police station.

The police can only search to the extent reasonably required. For example, a Custody Officer is responsible for ascertaining what property a detained person has with them when they arrive at a police station. The Custody Officer will authorise a search to the "extent that is reasonably required". This will consist of not more than the removal of the outer clothing, and a search of the 'pat down' type. A male officer would search a male person and a female officer a female person.

The police can search premises in which the arrest took place at the time of the arrest, or premises in which the person was immediately before arrest. A search of premises can also be made on the authority of an Inspector.

## Your right to legal advice

Everyone has the right to obtain legal advice and must be informed of this in writing.

In certain circumstances this right can be delayed for up to 36 hours but cannot be denied. For this delay to be exercised the offence must be of a serious nature, where there is a chance the person will:

- interfere with evidence or physically harm other persons;
- alert other suspects who have not yet been arrested; or
- hinder the recovery of property.

If they do not have a solicitor, one will be provided.

If a person is being questioned by the police, whether they have been arrested or not, such advice or assistance can be provided free, regardless of their financial means.

## Fingerprints and non-intimate samples

Whilst in police detention the detainee may be asked to provide fingerprints or a non-intimate sample. A non-intimate sample is defined as:

- a sample of hair, other than pubic hair, which includes hair plucked with the root;
- a sample taken from a nail or from under a nail;
- a swab taken from any part of a person's body including the mouth but not any other body orifice;
- saliva;
- a skin impression (which means any record, other than a fingerprint, which is a record, in any form and produced by any method, of the skin pattern and other physical characteristics or features of the whole, or any part of, a person's foot or of any other part of their body).

In most cases written consent must first be given. In the case of those under 14, only the consent of their parent or guardian is required.

Police may take fingerprints without consent:

- from any person detained in consequence of their arrest for a recordable offence and who has not had their fingerprints taken in the course of the investigation of the offence by the police; or
- from a person charged with a recordable offence or informed that they will be reported for such an offence and who has not had their fingerprints taken in the course of the investigation of the offence by the police.

The person whose fingerprints are taken without consent must be given the reason for doing so and this reason must be recorded as soon as practicable.

## WHEN A CRIME IS COMMITTED

Police may take non-intimate samples without consent: from any person in police detention in consequence of their arrest for a recordable offence, This is conditional on them not having had a sample of the same type and from the same part of the body taken already in the course of the investigation or if one has, that it proved insufficient for the analysis; or the sample taken may be used for inclusion on the database or for the purpose of the investigation of the offence.

The person whose non-intimate sample is taken without consent must be given the reason for doing so and this reason must be recorded as soon as practicable.

## Photographs

While someone is in police detention the police may take photographs of them.

These may be taken with or without the arrested person's consent and the police can ask them to remove anything from the head or face.

There are procedures in place to control the use of photographs and the police will not use force in taking these photographs.

## What happens when a child or young person offends?

It is important to emphasise that the majority of children and young people who come to the attention of the police will be dealt with through a diversionary approach. Only a small number go on to appear at court.

The decision as to how to deal with a child or young person who has offended will be based on a number of factors. These include:

- admission of guilt;
- gravity/seriousness of the offence; or
- previous offending history.

The following outcomes may be recommended:

### INFORMED WARNING

This is delivered by a trained police facilitator, involving the child or young person and the parent(s)/guardian(s). The victim will not be present in the majority of cases unless there are particular reasons why they should be. Although the informed warning is recorded on criminal record, it is not a court conviction, and will not be treated as such. It will be removed after 12 months unless further offending takes place. A criminal record is held at the Criminal Records Office and can be accessed in certain circumstances.

Parents or guardians can access their child's criminal record by completing a form, which is then processed by the Criminal Records Office. A school cannot access this information without the parent's authorisation.

## WHEN A CRIME IS COMMITTED

**RESTORATIVE CAUTION**

This is delivered by a trained facilitator, involving the child or young person, the parent(s)/guardian(s) and the victim. The process is designed to provide an opportunity for the young person who has offended to gain a greater understanding of the impact of their behaviour and its consequences and to help them take responsibility for their actions. The process also provides a opportunity for the victims of crime to play an active role in determining the outcome of the case. The victim has an opportunity to confront their offender within a safe environment and seek answers to the questions which are important to them, if they wish to do so. The resolution will also be negotiated between all the main parties involved. The process results in a Restorative Caution and is recorded on the offender's criminal record for two and a half years (unless subsequent offending takes place). This is not a conviction.

**REFERRED FOR CONSIDERATION OF PROSECUTION**

This may be considered at any point, even for a first offence, if the circumstances merit it. The circumstances whereby a case can proceed to court directly in the first instance are:

- when it is of a serious nature;
- when there is a significant offending history or the offending is of a persistent nature; or
- where there is no admission of guilt.

## WHEN A CRIME IS COMMITTED

## Is this information shared with anyone else?

If the police are dealing with a child or young person in relation to offending behaviour, details will be shared with the following agencies:

- Probation Board;
- Education Welfare;
- Social Services; and
- Youth Justice Agency.

The purpose of sharing this information is to identify any specific and relevant information those agencies may have which should be considered when deciding how to deal with the child or young person. This information could establish why a child or young person has chosen to offend. An example of this would be where a person steals items of food from a local shop because they are not provided with regular meals at home.

## Charging

If there is enough evidence to show that the suspect committed the offence, then they may be charged.

In the case of children and young people who have offended, charging will be the exception rather than the rule.

first appearance  
at court



## FIRST APPEARANCE AT COURT

## Remand

When a person is charged with a crime the law requires that they must appear in court as soon as possible, to be remanded in custody or released on bail. The resident magistrate (magistrate) will consider how serious the alleged crime is and if there is sufficient evidence to connect the accused to the crime. If the accused has been charged with a terrorist type offence, decisions on bail have to be referred to the High Court.

## Remanded in custody

If the accused (defendant) agrees, has been previously remanded in custody or is detained under a custodial sentence for other offences, they can be remanded for a period of up to 28 days, otherwise they will be remanded for up to 8 days.

If the defendant is under 21, and the magistrate has directed that they be remanded in custody, they will be taken to a young offenders centre, or, if they are under 17 1/2, they may be held in a juvenile justice centre.

If they are over 21 then they will be remanded in Maghaberry Prison or Hydebank Wood Prison for female prisoners.

## FIRST APPEARANCE AT COURT

## Remanded on bail

If the defendant is to be released on bail they will be allowed to go free following the signing of a bail order. Certain conditions will have to be met, for example a curfew may be imposed or they may not be allowed in certain areas or to meet with certain people. A young person may be referred to the Youth Justice Agency's Bail Support Scheme.

If any of the bail conditions are broken or if the defendant fails to appear for their hearing, the magistrate shall order a sum of money to be paid by the defendant (or a third party who has agreed to provide bail). It is likely that the defendant will be arrested and brought before the magistrate for breach of bail.

The decision whether or not to prosecute an accused person is usually made by the Public Prosecution Service. If the accused has already been charged, then a date will be set for a hearing of the case in court. If they have not been charged and a decision is made to prosecute them for the crime, then a summons may be sent to the accused requiring them to attend court at a certain time and date.

## What is a summons?

A summons is a document served on an accused person requiring them to appear at court. It will always contain the offence(s) with which the person is accused and will also state the name and location of the court as well as the time and date of the hearing. If the accused person fails to turn up at the court and it is clear that they have received the summons, a warrant may be issued by the magistrate for the police to arrest them and bring them to court.

## Submission of a file to PPS

The PPS formally came into existence in June 2005. The new Prosecution Service makes prosecution decisions in all serious criminal cases formerly dealt with by the Department of the Director of Public Prosecutions (DPP), cases such as murder, serious assaults, fraud, fatal road traffic offences and many others. It also deals with cases where complaints are made against the police or security forces.

Although the name of the organisation changed, the head of the PPS will, however, still be known as the Director of Public Prosecutions.

In the Belfast region and in the counties of Fermanagh and Tyrone, the PPS now takes

prosecution decisions in all criminal cases including those previously dealt with by police. In those areas, police inspectors no longer conduct prosecutions in the magistrates' courts and, instead, PPS prosecutors now present these cases.

Although at present only fully operational in those areas, the Public Prosecution Service will be extended with regional offices throughout the province, each office headed up by a Regional Prosecutor. The roll-out of the Service will be complete by 2007.

The Director treats all cases as serious not only because of the nature of an offence but also because of the

traumatic impact of even relatively minor offences on victims and witnesses. The new prosecution service is committed to delivering a better service to victims and witnesses.

Occasionally, the Director may also request the Chief Constable to investigate an incident and report the matter to him for the Director's decision as to prosecution.

The Director is funded by Government. However, he is totally independent in the decisions he makes. The Director, and his lawyers, carefully consider a file submitted by police in an individual case and decide whether there is enough

## FIRST APPEARANCE AT COURT

evidence to prosecute a person for one or more criminal offence. Prosecutions are brought where there is sufficient evidence to afford a reasonable prospect of obtaining a conviction, and where prosecution is required in the public interest.

Sometimes when a file is sent to the Director from the police, the prosecutor may consider that some further investigations are necessary before a prosecution decision can be made.

When further information is essential in order to make a prosecution decision, a "Request for Further Information (RFI)" will be sent back to police setting out

what needs to be done. When the police officer in charge of the case has obtained the necessary information then it is sent to the prosecutor for a decision to be made. Sometimes a prosecutor will want to speak to a victim or witness in a case before making that decision.

If it is decided that there is enough evidence to prosecute, and that the public interest requires prosecution, then the prosecutor will prepare the necessary court papers. In addition, to ensure fairness, the prosecutor will disclose to the defendant any matters which would undermine the prosecution case or assist the defendant in preparing his defence.

All cases which are tried in the Crown Court (except those prosecuted by the Serious Fraud Office) go to the PPS for a decision.

Although a single lawyer is generally responsible for the prosecution decision in every case, sometimes the matter is referred to more senior lawyers in the PPS because of its difficulty or complexity. On occasion, the consent of the Director himself or the Attorney General is needed before a prosecution can begin.

## PPS Role

If a decision has been made that an accused person is to be prosecuted, normally the PPS lawyer will decide whether the case will proceed to the magistrates' court or to the Crown Court. The majority of offences, however, can only be heard in a Magistrates' or Youth court.

When satisfied that there is sufficient evidence to afford a reasonable prospect of a conviction, prosecution is still only brought if it is required in the public interest. Depending on the circumstances of the case, it may not be necessary in the public interest to prosecute someone who is very old or very young or infirm. Sometimes the nature of the behaviour is not sufficiently serious to require prosecution and can be dealt with in other ways such as by an informed warning, caution or, in the case of a young person under 18, a Youth Conference.

A primary purpose of a Youth Conference is, in appropriate cases, that young offenders can be directly confronted by their victim(s) in order that they may fully appreciate the effect of their criminal behaviour on that person. An offender may be unaware of the consequences that his or her actions have caused. A Youth Conference will give offenders an opportunity to understand clearly, for example, the financial hardship that theft by them may cause on a shopkeeper or the fear and anxiety that an assault may have had on a young or elderly person. A plan is agreed for an offender to carry out a programme of service to the victim of his/her crime or to the community to help, in some way, to repay the loss or injury suffered. Failure to properly comply with this plan will result in a prosecution before the court for the original offence. Briefly put, youth conferencing is intended to bring home to young offenders the full reality of what they have done.

at court

## Courts

There are different types of court in Northern Ireland. All criminal cases, even the most serious, such as murder, begin in a magistrates' court.

## Magistrates' courts

In a magistrates' court the magistrate listens to the evidence and decides whether the defendant is guilty or not guilty and, where appropriate, determines the sentence.

### WHO'S WHO IN MAGISTRATES' COURT

There are many people in the court who are there for lots of different reasons. Some people work for the court, others are there to help the accused, some may be witnesses, and other may be members of the public or press reporters.

### THE RESIDENT MAGISTRATES' BENCH

The resident magistrate (magistrate) who occasionally wears a blue gown, sits in the centre seat of the magistrates' bench and should be addressed as 'Your Worship'.

### THE COURT CLERK

The court clerk sits in the centre seat in front of the magistrate. They are responsible for calling the cases before the court, recording the results and administering the oath or affirmation to any person giving evidence in court.

## AT COURT

**THE PROSECUTION**

The PPS puts the case against the defendant. The prosecution must prove their case beyond all reasonable doubt.

A solicitor or barrister will represent the PPS. They sit on the bench immediately in front of the court clerk.

**THE DEFENCE**

The defence solicitors and counsel generally sit on the benches behind the prosecution and do not wear formal dress in the magistrates' court. If their client is pleading guilty or has been found guilty of the charge, they enter a plea of mitigation to the court (this is a plea to reduce the sentence by explaining to the court why the defendant carried out the offence).

If the defendant pleads not guilty or the case is contested the defence and the prosecution have the opportunity to examine and cross-examine the witnesses.

**WITNESSES**

Witnesses are called in turn to the witness box and are questioned by both the prosecution and defence.

Before giving their evidence, a witness must take an oath holding a religious text, or affirm that they will tell the truth. The holy books of all those who are likely to give evidence are available for witnesses. Any person who wants to take an alternative oath should, if possible, inform the court clerk as soon as possible so they can make the arrangements.

### The oath

I swear by ... (according to religious belief) that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

### The affirmation

I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

## AT COURT

**PROBATION BOARD**

A Probation Officer is available for criminal court hearings. Their main role is to provide assessments of defendants, usually in the form of Pre-Sentence Reports, before the defendants are sentenced.

**PRESS**

The local and national press often attend court sittings to report on cases of interest.

## Crown court

Although many cases are entirely dealt with by a magistrates' court, the more serious ones are sent or committed to a Crown Court.

There are a number of offences where the defendant can decide whether their case should be heard by a magistrate or in a Crown Court. The defendant's legal representative should be able to advise which offences this applies to.

### THE JUDGE

The judge sits in the front of the court, controls the trial and decides on questions of law. The judge can be either a High Court judge who wears red robes and is addressed as 'My Lord' (they deal with cases of murder, rape and other serious offences), or a county court judge, sitting in the Crown Court, who wears dark blue and purple robes with a red sash and is addressed as 'Your Honour' (they deal with cases of theft, criminal damage, fraud, indecent assault, malicious wounding etc).

### THE COURT CLERK

The court clerk sits in the centre seat in front of the judge and co-ordinates the proceedings.

The court clerk reads the charges against the defendant, swears in the jury, takes the verdict and performs administrative tasks associated with the trial.

### THE COURT CRIER

The court crier sits in front of the judge alongside the court clerk.

They wear a gown and formally open and close the court proceedings and administer the oath or affirmation to any person giving evidence during a trial.

## AT COURT

**COURT RECORDING**

The Crown Court is a court of record and all proceedings are accurately recorded by digital audio recording operated by the court clerk or by a shorthand writer or stenographer. The stenographer or shorthand writer sits beside the court clerk and records everything that is said in court. This record may be used if the case is appealed.

**THE DEFENDANT**

The defendant sits in the 'dock' accompanied by prison officers. If the defendant is a youth, they sit next to the dock.

**PROSECUTION**

Barristers, otherwise known as counsel, wear formal clothing, wigs and black gowns, though these may be removed if the defendant or injured party is under the age of 18.

Counsel for the prosecution presents the evidence to the court and jury and is instructed by the PPS.

**DEFENCE**

The role of counsel for the defendant is to challenge the prosecution evidence and present the case on the defendant's behalf to the court and jury.

**SOLICITORS**

Instructing solicitors sit behind or in front of counsel in the courtroom.

They brief counsel about the details of the case before it comes to court. They consult counsel throughout the trial and are responsible for challenging the jurors when they are being selected.

**JURY PANEL**

The Jury Panel is made up of members of the public randomly selected from the electoral register by a computer programme and summonsed to attend court by a specific date.

## AT COURT

**THE JURY**

In criminal cases (those that do not involve terrorist-type offences), if a defendant pleads “not guilty” a jury, made up of twelve members of the public, decides whether they are guilty or not guilty.

Each juror has the important responsibility of deciding if the defendant is guilty or not guilty of the alleged offences based on the evidence presented to the court. There is no jury in cases that involve terrorist-type offences and only the judge decides whether the defendant is guilty or not guilty.

In cases where the defendant is convicted, there is the possibility, in certain circumstances, of appeal to the Court of Appeal.

**JURY KEEPERS**

A private security contractor performs the role of jury keepers.

Once jury keepers are sworn in, they look after the jury while they are in court and ensure that nobody tries to contact them during the trial.

The jury keepers are the jury’s means of communicating with others, such as the judge, during the trial.

**WITNESSES**

Several types of witnesses can be called during a trial including forensic scientists, police officers, medical experts and eyewitnesses.

Witnesses are called in turn to the witness box, which is opposite the jury box.

Before giving evidence a witness must take an oath holding a religious text, or affirm that they will tell the truth.

The holy books of all those likely to come to a particular court to give evidence are available for witnesses.

## AT COURT

An individual who wishes to take an alternative oath should, if possible, inform the court clerk as soon as possible to ensure the correct arrangements are in place.

Witnesses will be examined and cross-examined by counsel for both parties.

**PROBATION OFFICER**

A Probation Officer is available for criminal court hearings. Their main role is to provide assessments of defendants, usually in the form of Pre-Sentence Reports, before the defendants are sentenced.

**PRISON SERVICE PRISON OFFICERS AND PRISON CUSTODY OFFICERS**

Prison Service Prison Officers and Prison Custody Officers are responsible for the security of defendants in custody while in the holding area of the courthouse and the dock.

**COURT SECURITY**

A Private security contractor is responsible for the overall security of the courthouse. General court duties include calling defendants, witnesses and helping court ushers.

**PRESS**

A courtroom is a public area and local and national press often attend court sittings to report on cases of interest.

## Youth court

When a young person is charged with an offence, they will normally appear before a youth court. However if a young person is charged jointly with an adult the trial may be held in a magistrate's court or, in serious offences such as murder, in the Crown Court.

The youth court is a section of the magistrate's court but is less formal. Both the young person and their family are encouraged to participate by appearing in court. The court is made up of a resident magistrate and two other adults (lay magistrates) trained to deal with cases involving young people. At least one of the three magistrates must be female. However, in certain circumstances, a magistrate may sit alone to hear cases. A case manager from the Youth Conference Service also sits in on the youth court.

Members of the public are not allowed in a youth court to listen to the case, nor can the identity or photograph of any young person concerned in the trial be published in the press. Generally only those directly involved with a case can attend the hearing. The victim of the crime may attend the hearing if they want to do so.

All young people appearing in court are entitled to be represented by a solicitor. The defence solicitor acts independently in the best interests of the young person, takes instructions from them, and provides them with legal advice on the charge, procedure, and plea (guilty or not guilty). They also speak on behalf of the young person in court.

## AT COURT

**RELEASE ON BAIL / REMAND IN CUSTODY**

The young person will normally be released on bail except in certain circumstances related to the nature of the offence and the need to protect the public. If the court decides that the young person should be remanded into custody, the magistrate must give reasons in court for doing this. The young person will normally be remanded to the Juvenile Justice Centre at Bangor.

If a young person pleads not guilty, a date will be set for the trial when the magistrate will hear all the evidence and decide whether or not the young person is guilty. If the decision is guilty, the magistrate will decide on the most appropriate sentence.

## Roles within the youth court

### RESIDENT MAGISTRATES

Resident magistrates are legally trained to deal with all the different cases that come to court. The resident magistrate is the chairperson and generally speaks for the court. He or she sits with two lay magistrates. At least one member of the panel should be female.

### LAY MAGISTRATES

These sit with the resident magistrate. They are members of the community who are chosen from a panel of people who have been appointed as lay magistrates and trained in youth and family court business.

### CLERK

The Clerk sits in front of the magistrate. The Clerk is responsible for the running of the Court, reads charges, asks for a guilty/not guilty plea, swears in witnesses and records decisions.

### SOLICITORS AND BARRISTERS

The prosecutor is a solicitor or barrister whose job it is to set out the case against the young person.

The defence solicitor or barrister represents the young person and is there to present the young person's case.

### VICTIM / WITNESS

A victim/ witness is someone who can give details of the offence, or might be able to say what happened. This can be a Police Officer or a member of the public. They may only attend if the young person claims that they are not guilty.

### CHILD / YOUNG PERSON AND PARENT / GUARDIAN

The young person who is charged with the offence generally sits in the middle of the court in front of the bench or behind their legal representative. The parents or guardian sits with the young person. Some courts have an oval or round table and the young person will be shown where to sit.

## AT COURT

**SECURITY STAFF**

These are security staff whose job it is to keep order in the Court, call people into the courtroom and look after people in custody.

**POLICE INSPECTOR**

There should be no uniformed police presence in a Youth Court unless there is good reason. For example, in some court areas it may be a police inspector who sets out the details of the case. However this job is gradually being taken over by solicitors or barristers who will represent the prosecution.

probation

## Probation board

A Probation Officer is a qualified social worker who works with offenders and their families in courts, the community and prisons. Probation is a community sentence handed down in court, which requires offenders to address the problems in their lives or the patterns of behaviour which have led to their offending. The purpose of the work of a Probation Officer is primarily to help offenders change their offending behaviour and in so doing, contribute to the protection of the public.

## When does the probation officer become involved?

A Probation Officer can become involved in the criminal justice system at three key stages:

- before and during the court stage;
- after sentencing if the person receives a Community Sentence eg. Probation Order, Community Service Order, Custody Probation Order, Combination Order, Juvenile Justice Centre Order; and
- if the person receives a custodial sentence, i.e. is sent to prison.

At the Court stage the Probation Board will be expected to carry out a risk assessment and compile a Pre-Sentence Report (PSR) prior to sentencing if requested by the court.

## What is a pre-sentence report?

The purpose of the Pre-Sentence Report (PSR) is to assist the court in determining the most suitable sentence. A Probation Officer will interview the offender and will gather information from a range of other sources - for example; family, employer or school, and the police. If a person under 18 years is being interviewed another adult must also be present. The PSR assesses the risk of the person re-offending and whether that risk could be managed in the community. The Probation Officer offers options to the court which they feel will give the offender the best opportunity either to make reparation, i.e. to give something back to the community, or to address their offending behaviour and life style issues. This will also involve looking at the programmes and support that are available in the community.

A Court can request a PSR when deciding if an offender should be given:

- a Probation Order (which may include additional requirements);
- a Community Service Order;
- a Combination Order (i.e. a Probation Order and Community Service Order);
- a Juvenile Justice Centre Order; or
- a Custody Probation Order.

The PSR is then sent to the court in advance of the sentence being passed. In the PSR, the Probation Officer will have outlined a number of options for the magistrate to consider. For example, if someone has been caught driving whilst disqualified, the Probation Officer might suggest the person attends a particular Probation Programme, which will address this behaviour. The Probation Board's IMPACT (Inclusive Model of Partnership against Car Theft) programme, for example, is designed primarily for

## PROBATION

those caught stealing cars. Or they may be asked to attend an alcohol or anger management programme. This is known as an 'additional requirement' to a Probation Order.

A Specific Sentence Report (SSR) is an abbreviated form of a PSR which is provided to the sentencing court on the same day to assist in determining a suitable sentence. An SSR is most likely to be used where the court envisages a Community Service Order or a Probation Order (without additional requirements) to be suitable. The purpose of the SSR is to speed up the provision of information to assist the court in sentencing.

### How often does the probation officer see the offender?

It is a minimum requirement that the Probation Officer sees the offender at least once a week for 4 months, and afterwards contact continues to be based on the assessment of the risk of re-offending.

An overall workplan for the offender will be written at the time of the Pre-Sentence Report, or if no report has been requested, at the beginning of their supervision, and agreed with the offender. The Probation Officer will explain to the offender just what is expected of them, a contract will be drawn up and an agreement as to the standards and services expected of each party explained.

### What happens if the offender does not keep appointments with the Probation Officer?

In respect of any Order requiring supervision by a Probation Officer, if the person fails to meet their reporting instructions it can result in a return to court. If the rules of the Order are not strictly adhered to, the person will be 'in breach' and a warrant will be issued.

sentencing

## Sentencing

In all court cases only the judge decides the sentence. There are various options open to the judge depending on the severity of the crime. In certain circumstances the defendant may appeal to the Court of Appeal.

## Imprisonment

Imprisonment is the most severe penalty ordinarily available to the courts. The length of a term of imprisonment is determined either by statute or a judge or magistrate in a common law case. It can vary from a few days to life, which is mandatory for a person convicted of murder. In Northern Ireland the maximum length of sentence that can be given by a magistrate is twelve months for an indictable offence (one which can be tried in either the Crown or magistrates' court) or eighteen months if the person is convicted of more than one indictable offence.

Imprisonment is a sentence mostly confined to persons aged 21 and over but there is provision for detention of persons under 21 in a prison where the circumstances warrant it. This can be for a stipulated sentence of over four years or at the "Secretary of State's pleasure", this is equivalent to a life sentence for persons under 18 when their crime was committed.

Prison sentences are rarely served in full. Remission may be granted at up to 50% of the sentence depending upon the circumstances, and those serving a life sentence may be released on licence at the decision of the Secretary of State. In murder cases the Secretary of State must consult the Lord Chief Justice and trial judge (if available).

## Anti-social Behaviour Orders ASBO

An ASBO is a civil order granted by a court. The Police, Northern Ireland Housing Executive and District Councils may apply for an ASBO. An ASBO may also be granted where an individual is convicted of a criminal conviction.

It lasts for a minimum of 2 years and can be granted against anyone aged 10 and up.

An ASBO can be sought where the individual behaved in a manner that caused or was likely to cause harassment, alarm or distress to others.

It lists what the person must not do, eg. writing graffiti, drinking alcohol, playing loud music, etc. The order may also prohibit the individual from entering specified areas or from associating with named persons or from gathering in groups.

If someone with an ASBO breaches the terms of the order it could result in a criminal conviction and may include a custodial sentence.

## SENTENCING

### Young offenders centre

Offenders between 16 and 20 years of age can be detained in a Young Offenders Centre if they commit an offence which, if someone 21 or over had committed it, would be punishable with imprisonment. The maximum term is four years.

### Custody probation order

The custodial sentence is followed by a period of supervision by a Probation Officer for a period between twelve months and three years. Such an order cannot be made unless the offender consents.

### Juvenile justice centre order

This order is for a fixed period between six months and two years with half of the sentence served under supervision by a Probation Officer in the community. It is available to young people up to and including 17 years of age.

## Suspended sentence

The suspended sentence operates as a deterrent measure. Where a court sentencing an offender for an offence which is not a “serious offence” (that is, an offence which a person aged 21 or over could, on indictment, be sentenced to prison for a term of five years or more) passes a sentence of imprisonment, or makes an order for detention in a young offenders centre for a term not exceeding two years, the court may suspend the sentence for between one and three years. Alternatively, where a court sentencing an offender for a “serious offence” passes a prison sentence for a term of not more than seven years, the court may suspend the sentence for between one and five years.

## Community service order

This order requires the offender to do unpaid supervised work in the community. It can be given to someone aged 17 or over convicted of an imprisonable offence if the offender consents and may be between forty and two hundred and forty hours duration.

## SENTENCING

### Probation order

A Probation Order puts the offender under the supervision of a Probation Officer for a period of between six months and three years, during which probation staff will assess and manage the risk in order to assist the offender to avoid re-offending and thus protect the public.

### Combination order

This is a mixture of a probation order and a community service order, and is intended for those offenders who the courts believe should make some reparation to the community and who need probation supervision to reduce the risk of re-offending in the future. The order requires the offender to be under the supervision of a Probation Officer for a period between twelve months and three years and to perform unpaid work in the community for between forty and one hundred hours.

### Attendance centre order

An attendance centre order requires a young person, aged under 18, to attend a designated attendance centre and undertake a structured programme of activities. The order should not be less than twelve hours and no more than twenty four hours. The times at which the offender attends the centre should avoid interference, so far as practicable, with school hours or working hours.

## SENTENCING

## Youth conference order

Youth conferencing is currently being piloted in Northern Ireland. Youth conferences are a new way of dealing with children who offend. A referral to the Youth Conference Service can be made either by diversion via the prosecutor, or at court at the point of sentencing. In either case the young person must admit the offence and be willing to take part in the conference. The conference agrees a plan for the child to complete comprising of various elements relevant to the young person, the impact of the offence and their offending behaviour. The period of the plan must not be more than one year. A plan resulting from a court-ordered conference, subsequently agreed by the court, will form the basis of a youth conference order.

## Reparation order

The order requires the young person to make reparation either to the victim of the offence or some other person affected by it, or to the community at large. The order may currently be made only where the young person is under the age of 18 years. An order must not require the young person to make reparation for more than 24 hours or to make reparation to any person without that person's consent.

## Community responsibility order

This order is a form of community service which may be imposed on a child, under the age of 18, and combines a specified number of hours to be spent on practical activities and instruction on citizenship. The total number of hours specified in the order must not be less than twenty and not more than forty. In addition, the number of hours spent on instruction in citizenship must not be less than one half of the aggregate number of hours in the order.

## SENTENCING

## Fine

This is a financial punishment, the maximum level of which is generally set by statute although in the Crown Court the amount is unlimited. It is not a part of the principle of this sentence to fine a person according to their means, but it is thought desirable for the court to have some knowledge of the financial circumstances of the offender.

## Penalty points

The purpose of this system is to encourage the court to impose periods of disqualification on offenders who are guilty of a number of road traffic offences which are relatively minor in their own right. While the courts always had the power to impose disqualification where the offender repeatedly came before the court for driving offences, in addition to this Article 40 of the Road Traffic Offenders (NI) Order 1996 imposes an obligation to impose disqualification where the offender accumulates 12 penalty points within three years.

## Deferred sentence

After conviction, a person may have the passing of sentence deferred for a period of up to six months. Sentence is passed after changes (if any) in the circumstances of the case have been assessed. For example, the offender may have made some form of reparation.

## SENTENCING

## Conditional discharge

This order imposes a condition upon the offender, i.e. that the offender commits no further offence for a specified period up to three years. If the condition is broken, the person may be dealt with for the earlier and the current offence.

## Absolute discharge

This may be imposed where punishment is considered inappropriate. The offender while found guilty, is not further liable for the offence.

## Criminal Cases Review Commission

The Criminal Cases Review Commission is an independent body responsible for investigating suspected miscarriages of criminal justice in England, Wales and Northern Ireland, with one Commissioner who oversees all Northern Ireland cases.

The Commission's principal role is to review the convictions of those who believe that they have either been wrongly found guilty of a criminal offence or wrongly sentenced. It can seek further information relating to a case and carry out its own investigations or arrange for others to do so. Once investigations are completed to the Commission's satisfaction, it decides whether or not to refer the case to the appropriate appeal court.

## Role of the Youth Conference Service

The Youth Conference Service is part of the Youth Justice Agency. It aims to balance the needs of the victim and the young person by together agreeing plans of action which satisfy the victim and create opportunities for the young person to make amends and stop committing crime. These conferences are arranged either at the request of a Public Prosecutor (known as diversionary youth conferences) or the court (known as court-ordered youth conferences).

## Where is it in operation?

The Service was launched in Belfast in December 2003 and extended to Fermanagh and Tyrone in April 2004, and Banbridge, Armagh and Newry in June 2005. The target is to roll out throughout Northern Ireland by the end of 2006.

## What is a restorative justice conference?

The conference aims to balance the needs of the victim and the young person who offends by providing a forum for discussion between the young person, the victim of the crime and all affected by the crime. Collectively, they will try to agree how to deal with the aftermath of the offence and its implications for the future.

## Role of the young person

Conferences can only take place if the young person either admits to the offence, or is found guilty and agrees to the conference.

The conference is an opportunity for the young person to face the consequences of the impact of the crime and make amends for the harm caused to everyone by their offending. It is also an opportunity for the young person to be listened to and to participate in decision making over important issues in their lives. Arising out of the conference plan the young person will be offered programmes and services to meet their goals and needs, and to address the offending behaviour.

Prior to the conference the young person is visited by a Youth Conference Co-ordinator who explains the process i.e. who can come with the young person, what to expect at the conference, what an action plan might look like and what happens after the conference. A preparation leaflet has been designed to help the young person prepare for the conference and the co-ordinator will assist in the completion of this if required.

## Role of the victim

The conference process provides the victim with the opportunity to hold the young person accountable for the harm they have caused and to receive some form of reparation. It enables the victim to tell their story and to ask the young person questions. The victim can also influence the plan that is formulated to prevent further offending.

The victim is contacted by a Youth Conference Co-ordinator to arrange a visit to explain the process and be offered the option of participating in the conference. This may be face to face, by phone or video conference or other available options and they may be accompanied by a supporter, which may be a friend or a family member.

A preparation leaflet has been designed to help the victim prepare for the conference. The co-ordinator can help the victim fill in the leaflet if assistance is required.

## Who can attend a conference?

The restorative conference will provide the opportunity for all those who have a stake in the offence to come together to discuss the impact of the offence and to agree the way forward.

The Youth Conference Co-ordinator will convene the conference. Those required to attend are:

- the co-ordinator;
- the young offender;
- a responsible adult for the offender; and
- a police officer.

The co-ordinator will also invite the victim and if appropriate:

- a social worker;
- probation officer;
- others identified by the victim for their support;
- a legal representative for the offender; and
- other people who might help the young person stay out of trouble.

The conference cannot proceed without the young person who committed the offence or a police officer being in attendance.

## What happens at the conference?

Every attempt will be made to arrange the meeting at a time and location convenient to the victim and the offender. All conferences will be conducted in a manner of respect and in an environment of safety with everyone given an opportunity to speak. The meeting will look at the facts - what happened, the consequences, how the crime has affected people, the future and what the young person can do to make amends.

Agreement must be sought from the offender for any action plan which aims to meet the needs of the victim and prevent further crime. In circumstances where the victim is not present the young person will be expected to complete a victim awareness course and a community task.

## What will the action plan look like?

The following are some examples of what might be in an action plan:

- a verbal or written apology to the victim;
- reparation or restitution to the victim;
- restrictions on whereabouts or activities;
- activities to prevent offending  
eg. an anger management course;
- participation in a drugs or alcohol prevention course;
- an awareness course on non-racist behaviour to ethnic minorities; or
- activities to avoid participation in public disorder.

## What happens after the conference?

The recommended action plan is forwarded to the prosecutor or court for approval. If agreed by the prosecutor it becomes a Diversionary Action Plan. This is not a conviction but is recorded on the young person's criminal record for two and a half years.

If agreed by a court it becomes a statutory order called a Youth Conference Order and this is recorded as a conviction on the young person's criminal record.

Both Youth Conference Orders and Diversionary Action Plans can last for a maximum of twelve months.

The young person's progress on the completion of the action plan or order will be monitored and failure to meet the requirements of the action plan may result in what are known as "breach proceedings".

custodial  
sentence

## Who does the prison service detain in custody?

All those committed by the courts for whom there is a valid warrant are detained in prison custody. A small number of immigration detainees are also held on behalf of the immigration authorities.

In general all young people from the age of 17 to 21 are detained at Hydebank Wood Young Offenders Centre and all adult male prisoners are accommodated either at Maghaberry or Magilligan Prisons.

All women prisoners and female immigration detainees are held in Hydebank Wood Prison.

Young people in prison custody are referred to as “inmates” and adults in custody as “prisoners”.

Prison is often described as a community within a community. Many of the services available in the community such as health care, education and access to religious worship are found within each establishment.

## Arrival at prison

Anyone remanded in custody or sentenced to a period of imprisonment will be taken either by prison officers or prison custody officers directly from court to prison or the Young Offenders' Centre. Those taken into custody by the Prisoner Escort Group would generally be taken from court in a cellular vehicle and would be handcuffed during this journey.

There are three operational prison establishments in Northern Ireland:

### MAGHABERRY PRISON

A high security prison housing male remand and sentenced prisoners, which also has at its Belfast facility lower security accommodation for a small number of selected prisoners nearing the end of their sentence, and for immigration detainees. In February 2004 separate accommodation arrangements were introduced for prisoners with paramilitary affiliations.

### MAGILLIGAN PRISON

A prison housing medium security adult male prisoners which also has low security accommodation for selected prisoners nearing the end of their sentence.

### HYDEBANK WOOD YOUNG OFFENDERS CENTRE & PRISON

An establishment accommodating young offenders, female prisoners, female immigration detainees, and female young offenders.

On arrival at the prison reception the person's warrant is checked and they are officially taken into prison custody. Their handcuffs would be removed at this stage. They may be detained in a holding room depending on how busy the reception is when they arrive. The Escort staff then leave and prison staff working in the reception facility begin the committal process.

## Committal Procedure

The type of details recorded include full name, current address, marital status, next of kin, religion and national insurance number. The prisoner is photographed, weighed and their height and any distinguishing marks noted. During committal procedures prisoners undergo a health check/screen. Prisoners are also interviewed by staff to identify any immediate concerns which will be addressed. New committals will be permitted to contact their family. The prisoner is issued with a prison number, which comprises a letter followed by four digits. Young offenders are denoted by the letter 'H', women prisoners by 'F' and male prisoners by either 'A', 'B' or 'C' depending on when they came into custody. If someone is discharged from prison and returns at some future date they will use the same number. The prison number will be used to identify a prisoner throughout their time in prison.

## Security classification

Every person coming into custody will be given one of four security classifications - top, high, medium or low. The security department in each establishment, in conjunction with other agencies, assesses and allocates the security classification. A top risk prisoner is someone whose escape would be extremely dangerous to the public or the security forces or to the security of the state; a high risk prisoner is one whose escape would be highly dangerous and would pose a serious risk to the community; medium risk are those for whom escape must be made very difficult in the context of the holding prison and a low risk prisoner is one who does not have the motivation, the ability or the resources to make a determined effort to escape.

## Personal property

New receptions will be searched and any items not permitted in the prison removed and stored in a property box until they are discharged from prison. Typical items not permitted in prison include: navy, green or maroon coloured trousers and white shirts (as they might be mistaken for prison uniforms), certain jewellery such as large rings, belts greater than 1" thick and/or with large buckles and coats with hoods. Any money that a person has with them on coming into custody is placed in the property box.

## Clothing/initial supplies issue

If a prisoner doesn't have enough suitable clothing they will be issued with clothing and footwear from the clothing store. They will also be given a 'pack' to cover their first day or two in prison. This pack includes personal items such as a toothbrush, toothpaste, deodorant, and items for shaving. When the committal process is complete the prisoner is taken to a committal landing. Within the first 24 hours they will be interviewed by a Governor and be seen by the prison Doctor and prison Chaplain.

## Induction

All prisoners spend a short period on an induction landing before being allocated their accommodation in either a sentenced or remand house or landing. Induction usually lasts 1-2 weeks.

Shortly after arriving in the prison, prison staff will check that the person's family know where they are and, if not, either prison staff or the prisoner will contact them.

Visits to prisoners at all establishments must be pre-booked. The only exception made is in the case of someone newly committed to prison where it hasn't been possible to make the normal arrangements. A committal visit is usually permitted in such cases.

Thereafter prisoners are issued with unique booking reference numbers which they pass to their intended visitors. When booking a visit the visitor must quote the booking reference number, the name of the prisoner and the names of those visiting. A booking officer will then allocate a visiting slot and confirm the booking.

During the induction programme prison staff tell prisoners about the general routine of prison life, outline what is available in the establishment, find out about the individual and speak to them about how they might spend their time in custody.

In-depth interviews are conducted with every individual prisoner during induction and a risk assessment and employability assessment are carried out. This information is used to compile a resettlement plan for each individual prisoner.

This plan is based on the assessment of a prisoner's needs and will address factors associated with offending and increase the likelihood of not re-offending on release.

All prisoners will take an education assessment as part of their induction and resettlement planning process. They will also meet with a Chaplain of their denomination and a prison psychologist, if required.

## CUSTODIAL SENTENCE: GOING TO PRISON OR A YOUNG OFFENDERS CENTRE

## Remand prisoners

Remand prisoners have not been convicted of any offence and are usually detained in custody until the charges against them have been heard or until after their trial/sentence. They are entitled to three 30 minute visits per week and are not required to work or undertake education (except those of compulsory school age). Remand prisoners need the court's permission to be released on bail or for short periods of compassionate bail.

## Sentenced prisoners

Any prisoner sentenced to a term of imprisonment in Northern Ireland will generally serve half of the imposed sentence, and this is provided for under Prison Rule (30). This means that someone given a six year custodial sentence can expect to serve three years in custody.

Life sentence prisoners, for example, are released on a life licence under the provisions of the Life Sentences (Northern Ireland) Order 2001. Their release is considered by an independent body of Life Sentence Review Commissioners. For example, if a person is convicted of murder the sentencing judge will set a tariff which is the minimum time a life sentence prisoner must spend in prison before being released. This

is known as the "deterrence and retribution element" of their sentence. Prior to the tariff expiry date, the Life Sentence Review Commissioners will review each individual case and when they are satisfied that the person no longer poses a risk to the public they can direct the prisoner's release.

The person will then be released on a life licence which means they can be recalled to prison if it is considered that they pose a danger to the public. On return to prison, they resume the status of a life sentence prisoner.

Establishments in Northern Ireland provide incentives and privileges to prisoners for participation in their resettlement plan and

## CUSTODIAL SENTENCE: GOING TO PRISON OR A YOUNG OFFENDERS CENTRE

displaying good behaviour. There are three levels of regime: basic, standard and enhanced. The level of privileges that a prisoner has in custody - from duration of visits, to level of earnings and whether or not they have an in-cell television - is determined by their regime level. Prison officers monitor prisoner behaviour and compile a weekly report. These assessments contribute to the determination of an individual's regime level.

The majority of prisoners spend on average nine hours each day out of their cells engaged in a range of activities as identified in their resettlement plan.

Prisoners may go to education or training classes, work, visits, the health care centre, behavioural programmes (such as, anger management and enhanced thinking skills) court or the video linking facility.

There are opportunities for some prisoners nearing the end of their sentence to undertake work placements in the community.

## Maintaining contact with family and friends

The Prison Service recognises the importance of prisoners and their families maintaining close links. Telephones for prisoner use are provided on each landing and there is no restriction on the number of calls a person can make. These telephones are for outgoing calls only. Each prisoner is issued with his or her own pin number and prisoners can provide up to 20 telephone numbers which are stored on the system for them to call. The new pin system debits the prisoner's personal cash account with the cost of the call. There is no restriction on the number of letters that a prisoner can send to his family or friends. Sentenced prisoners generally receive one visit per week, the duration of which is determined by his or her regime level.

The Prison Service also operates a range of temporary release schemes to prepare prisoners for final release from custody and also to enable the Service to respond to circumstances around family bereavement and very serious illness.

## Child Centre Visits (CCVs)

CCVs are available to provide parents with the opportunity of spending quality time with their children on their own. These visits usually take place at lunchtime with lunch provided.

## Resettlement Plans

Resettlement plans draw together all aspects of managing risk factors associated with offending behaviour and which contribute to the likelihood of a released prisoner re-offending including:

- addressing accommodation needs;
- providing educational support particularly for those with literacy and numeracy needs;
- dealing with addictions including drugs and alcohol dependency; and
- addressing health care needs.

On release Resettlement staff will provide support to ensure prisoners have jobs, access to higher and further education and have contacts to provide support with addictions, health problems, debt, benefits, housing, etc.

## Constructive Activity

### EDUCATION

As part of their resettlement plan prisoners are expected to engage in constructive activity. Education is available throughout sentence to provide a range of support to prisoners. The priority is to provide for the basic needs of prisoners with literacy and numeracy. In addition a range of courses are available including GCSEs, access courses and Open University. Recreational classes are also available in guitar, art, pottery, drama, etc.

### SKILLS TRAINING

Prisoners can undertake qualifications in bricklaying, plastering, painting and decorating, joinery, computers, engineering, horticulture, etc.

### OFFENDING BEHAVIOUR PROGRAMMES

Probation, Psychology and Prison staff can provide a range of offending behaviour programmes to help prisoners address their offending behaviour including:

- Enhanced Thinking skills;
- Sex Offender Treatment Programme;
- Motivational Skills;
- Drugs and alcohol;
- Parenting.

## Role of the probation officer in prison

A team of Probation Officers are located in each prison in Northern Ireland. Probation staff work in partnership with Prison staff. The Probation Officer's role is focused on risk assessment, risk management and public protection. These issues are discussed with the prisoner throughout their sentence and prior to release.

The Probation Officer's work in prisons includes the following:

- at the Committal stage a Probation Officer should see all prisoners within 2 days. The purpose of the Committal interview is to assist the prisoner in dealing with any immediate concerns and to provide information particularly in relation to family contact;
- probation staff work in partnership with the Prison Service in developing a resettlement plan for each prisoner - which is a way to set out what the person can achieve in custody and how they can continue to lead a positive life on release;
- if a person will be under any type of supervision or licence post-release which is managed by a Probation Officer a pre-release meeting will be organised with that officer to agree how the prisoner will continue to work with PBNI;
- as part of the resettlement plan, the Probation Officer will work with the prisoner in identifying areas of risk and how these can be managed both during any home leave and on release; and
- providing advice and support to the families and children of prisoners throughout the sentence. This is provided by the Prison Link Team which is staffed by both PBNI and NIACRO (Northern Ireland Association for the Care and Resettlement of Offenders).

## Video linking explained

Video conferencing equipment or 'video links' are used between prisons and courts for:

- bail applications;
- second and subsequent remand hearings; and
- legal consultations.

At present there are links in two courtrooms at the Royal Courts of Justice (for bail applications) and in magistrates' courts (for remand hearings and some bail applications) throughout Northern Ireland.

### THE COURTROOM

Typically, each courtroom is equipped with a 29-inch monitor with a camera on top. This sits either on the Judge's Bench or on a stand adjacent to it. The monitor and camera face the main body of the court.

There are also two smaller systems which sit on the Judge's Bench and the Court Clerk's Bench and enable both to have direct visual contact with the prisoner. The prosecution, defence and the main body of the court see the prisoner through the main 29-inch monitor.

The Court Clerk changes the picture with a remote control so that the picture conveyed to the prisoner relates to the person who is speaking at the time.

There are 4 pre-set camera positions:

- the Judge;
- the Court Clerk;
- the main body of the Court; and
- the witness' stand (though for remand hearings this is rarely used)

In the courtroom (or just outside the courtroom if space does not permit) there is a soundproof telephone kiosk to enable a prisoner to communicate with his legal adviser during a hearing. When a prisoner raises his hand and the court then recognises that the prisoner wishes to speak with his legal adviser (or vice versa), both picture and sound are switched off while the lawyer goes into the soundproof booth and speaks with his client.

## VIDEO LINKING

**THE PRISON COURTROOM**

The legal provisions state that this is an extension of the court. This room is soundproofed - to keep the sound of others outside the room from interfering with the court proceedings. A 29-inch monitor with a camera is located in the prison courtroom. A prison officer is present with the accused at all times except when the latter is speaking with his legal adviser (via the soundproof booth in the courtroom).

**OTHER CONSULTATIONS**

There are also consultation rooms at all court venues. These rooms enable a lawyer - a barrister or solicitor - to talk to his client before or after a court hearing.

Video linking is also used by the Probation Service to consult with prisoners.

## Juvenile justice centre

A child will normally be sent to the Juvenile Justice Centre Northern Ireland (JJCNI) directly from the courts. The Juvenile Justice Centre is part of the Youth Justice Agency.

The Centre is staffed 24 hrs a day and when children and young people arrive at the centre they will initially be placed in the reception, or induction unit, depending on the time of day.

Upon arrival they will be seen by the duty nurse who will conduct an initial medical examination and assessment. At this stage they will be placed in the "Assessment Unit" for education and initial social work assessments.

Depending on the outcome of the assessment process, they will be placed in one of several residential units. This could be the Intensive Support unit or one of five other units which are referred to as "Houses".

release and  
resettlement



## Release from custody

When a person has served their sentence they are released from custody and their property is returned to them. A small grant is available to all prisoners being discharged to assist with their initial transport or accommodation costs.

Increasingly, prisoners in Northern Ireland are subject to post release supervision by the Probation Board. This includes life sentence prisoners, prisoners under a Custody Probation Order, certain sex offenders and offenders referred by the Parole Board for England & Wales. A young person released from the Juvenile Justice Centre also remains subject to supervision by the Probation Board for a further period.