

**Victims of Crime Consultative Forum
10 March, 2010**

**Pre-Consultation on White Paper on Crime Discussion Paper on
The relationship between members of the public and the criminal
justice system**

Questions for Participants

Pre-consultation

The White Paper on Crime Unit welcomes the opportunity to hold a pre-consultation session with victims groups in the Victims of Crime Consultative Forum. This session will be based around issues the Unit plans to explore in a discussion document dealing with the relationship between the public and the criminal justice system. In addition to providing the Forum participants with an advance opportunity to input on this issue before the discussion paper is drafted, a pre-consultation session will give the Unit a chance to test the validity and utility of the questions it would like to put to a wider audience in due course.

Background - White Paper on Crime Consultation Process

As part of the process leading to the production of a White Paper on Crime (for publication in 2011), the Department is carrying out extensive consultation. A key element is the production of a series of discussion documents which will be used to provide structure to the broad range of issues under consideration. The first of these *Crime Prevention and Community Safety* was published in July 2009. The second document *Criminal Sanctions* is scheduled for release shortly, to be followed in summer 2010 by a document dealing with organised and 'non-street' crime. The final document, provisionally scheduled for the winter 2010, will deal with the relationship between members of the public and the criminal justice system.

Relationship between the public and the Criminal Justice System

Possible Issues for Consideration

1. What are the typical experiences of those members of the public who become involved in criminal justice system processes (whether as victims, witnesses or member of a jury)? Can steps be taken to improve that experience, so as to benefit the individual and the effectiveness of the system?

2. What can be done to enhance public confidence in the operation of the criminal justice system and its capacity to tackle crime and the fear of crime? Is the system meeting public needs and expectations?

3. Can dialogue between ordinary members of the public and the criminal justice system be improved? Are the existing mechanisms for listening to public concerns adequate and is there a sufficient flow of information and facts on crime from criminal justice agencies to communities?
4. Can members of the public play a greater role in helping to respond to crime, whether by providing information or engaging in local voluntary activity? How can this be promoted?
5. Should the White Paper consultation document on the relationship between members of the public and the criminal justice system be asking questions other than those at 1-4 above? Should it be asking the questions at 1-4 above in a different way?

When reflecting on and discussing the questions please endeavour to make concrete suggestions. In reply to each question it would be helpful to be clear which element(s) of the criminal justice system you are addressing in your remarks.

Amen's involvement in the criminal justice system is limited to breaches of court orders, such as, Barring, Protection or Safety Orders. However there are some points we would like taken into consideration:

- Breaches of Court Orders should be held in camera in the same way as the orders were issued.
- Family Law matters should be heard by Family law Courts and Judges sitting as they do in the Dublin Metropolitan Area for that purpose only.
- If the in camera rule was lifted and reporting of family law cases was permitted there may be an increase consistency in the way the services are delivered and the outcome of cases.
- New monitoring procedures of the Criminal Justice system would be of benefit in a similar way that the Garda Ombudsman monitors An Garda Síochana and the Law Society monitors the actions of solicitors and Barristers.
- Positive changes can take place if it is recognised that members of the public should be facilitated and encouraged to represent themselves if they wish to.
- More information and facts should be readily available to members of the public in regards to making and lodging applications, instructions on completing such applications should be available
- There are many interactions with the Family Law Courts where legal representation is not required. Court staff and legal representatives should be more aware of these incidents
- Increased Education and awareness is needed to forefront the issues affecting male victims of abuse. Cosc provide funding for organisations to highlight their issues. They also ran their own awareness campaign on Domestic Abuse encouraging community members to voice their concerns.
- The White Paper should be looking at the inhibiting factors which contribute to the effectiveness or non-effectiveness of the criminal justice system and one of these factors is the cost of representation/legal fees. Many people have to borrow large sums of money to pay solicitors/barristers in order to defend them.

- Often times members of the public have to defend themselves against false allegations which were made in order to get Court Orders such as Protection Orders, Safety Orders or Barring Orders.
- Amen would recommend that in family law cases, consistency would be shown by assigning the same judge for the entirety of the case, i.e. have this judge deal with all applications, breaches and variation orders etc.

The views expressed in this submission are that of the support workers in Amen. These views are as a result of our dealings with clients, over the phone, in one to one situations and court accompaniment.

Follow up

The Commission secretariat will undertake to type up the contents of flip chart material submitted to the plenary group and circulate it to participants at the Consultative Forum.

The White Paper on Crime Unit is happy to receive written submissions on the discussion paper on the relationship between members of the public and the criminal justice system from participants after the Consultative Forum. The White Paper on Crime Unit is also happy to receive comments on other discussion papers from participants.

The published discussion document is available on www.justice.ie at http://www.justice.ie/en/JELR/Pages/White_Paper_on_Crime or search for "white paper" on the home page.

Submissions can be made to:

White Paper on Crime Unit,
Department of Justice, Equality and Law Reform,
94 St. Stephen's Green,
Dublin 2.

or

whitepaperoncrime@justice.ie

If making a submission, please state if the views expressed are personal or are being made on behalf of an organisation. If views of an organisation are being submitted, it should be made clear which organisation is being represented. Submissions may be subject to the provisions of the Freedom of Information Acts and may be published. Please indicate if you would prefer your submission to remain confidential.