

Speech by Minister of Justice - 7 June 2010

Introduction

In this room, 12 years ago, I witnessed an agreement being reached that paved the way for the transformation of the political life of our community - an agreement that many believed would never be achieved. In many ways it was a leap of faith - a remarkable commitment by political opponents to share power together.

But there was one issue upon which agreement could not be found, and with which the negotiators were not prepared to trust one another. That issue was, of course, powers over policing and justice.

It was the exercise of the same powers that led to the closure of the old Northern Ireland Parliament nearly 40 years ago, and which dogged our political process in recent years. But on the 12th of April this year, I came back into this building, having been elected on a cross-community vote to discharge the very powers that had proved so divisive. It was an extraordinary moment, in many peoples' view the completion of a process that some of us had worked most of our adult lives to achieve.

But for me - and it was the first thing I said as Minister in the Assembly Chamber that day - it was not the completion of a process, but a staging post; it was not a one-day event, but a process that must deliver for the people of Northern Ireland.

We had worked hard in the run up to devolution, shaping our own views on the policies that would be needed if and when devolution of justice powers was achieved. Despite the best efforts of some of our media colleagues, we had insisted that the focus be firmly on policies, not personalities. In the months before, during and after the talks at Hillsborough Castle we sought to agree with other political parties the policies that might help to form a Programme for Government for a Northern Ireland Department of Justice. By doing so we secured agreements, from those parties that were willing to engage, around the outline of what a Department of Justice Programme for Government might include.

And since devolution, I have taken every opportunity that I could to discuss those ideas with the widest possible number of people who are part of, or affected by the justice system here in Northern Ireland. Today I want to outline to you the opportunity that I believe lies before us - a once in a generation opportunity - and what I plan to do to ensure that we grasp it.

As with any department, much of what this department will do in the months ahead is operational - important, day-to-day development and delivery of services to citizens. I won't be able to cover all of that in a speech such as this. But what I do want to outline to you this afternoon is a high-level, strategic way forward. I will set out a range of initiatives that, maximising the existing and potential benefits of devolution,

will reshape our justice system - including a fundamental review of Public Legal Services in Northern Ireland.

The difference of devolution

I have been asked many times what difference devolution of justice powers will make to the people of Northern Ireland. So let me tell you at the outset what I see as the differences, what I think devolution means.

The **first, and most obvious difference, is accountability.** Northern Ireland now has a local Minister - an MLA with a local constituency, elected as Minister on a crosscommunity basis. who can be held accountable by that Assembly, by its individual Members, and by its Justice Committee. Or as the IMC put it,

'devolution means that the criminal justice system is owned by, and accountable to, the people of Northern Ireland.'

If that means anything, it means that the Minister is closer to the ground, and better able to respond quickly to the community's concerns.

But I am determined that this new level of scrutiny and accountability will not lead to a conservative, play safe, "do the minimum necessary" approach in this department. We have problems in our justice system and in the wider community that it serves, and for those problems we must - and will - find solutions.

And that's where I see devolution making a **second difference: in the opportunity to identify local solutions to local needs.** I am determined that we don't rely on what we have done in the past, nor that we simply adopt what works somewhere else and assume that it will work here. Rather, I want to work with people on the ground to develop and tailor innovative local solutions to fit local needs. It's an opportunity to look afresh, to do things differently. I am determined that we see what works best for Northern Ireland, and that local accountability drives this department to be bold in its innovation rather than afraid of failure.

But this department will not be able to take the opportunities on its own. If we were to try to we would fail the biggest challenge - and the biggest opportunity - that devolution brings: the challenge and opportunity of partnership. And partnership must be the third difference of devolution. The people in this room reflect the breadth of individuals and organisations with whom this department is working, or needs to work, in order to deliver - and that's a theme that I will return to again and again in my remarks.

If we find a way of working in effective partnerships I believe that we can achieve the **fourth, and final major difference of devolution - the once-in-a-generation opportunity to reshape the justice system to fit the needs of Northern Ireland.** That's a lot easier to say than it is to achieve, but that's the work to which I am committed, and to which I am committing this department. It's not something that we will achieve overnight, nor even complete this year. But it's the direction that I want us to travel, and I want to use today to map out some of the initiatives that we will

take along the way. In short, **my ambition is to reshape our justice system to build a safer Northern Ireland, with lower levels of crime; safer, shared communities; and justice for all.**

In case anyone missed it, let me say that again: my ambition is to reshape our justice system to build a safer Northern Ireland, with lower levels of crime; safer, shared communities; and justice for all - I describe it as an "ambition" because it won't be easy, but I believe we can achieve it if we work in partnership.

A justice system for the future, and for a safer Northern Ireland

There are those, of course, whose focus appears not be on our future, and certainly not on a shared future. Rather, their focus appears to be on our past. Some of these are usually referred to as "dissidents", but it's a term that I grow increasingly uncomfortable with, because I am part of a tradition of "dissenters", of people that value dissent, and who believe that political dissent is often good for democracy.

But what is not good for democracy is dissent that uses violence to try to achieve political goals. We live in a democracy. We live in a Northern Ireland where no-one is denied the opportunity to express their views, to vote or to stand for election. So today I say to those who continue to use violence to achieve their political ends - if you have ideas, a different political ideology, an alternative vision, then express it peacefully like the rest of us, present it to people and seek a mandate. That is acceptable: and a sign of a healthy democracy. But what is not acceptable is to target individuals who are serving our community, and to resort to violence, to attempts to force our community - Protestant, Catholic and neither; Nationalist, Unionist and other - to accept your views through fear, intimidation and violence.

Ireland, north and south, has voted, time and again, to move forward. We have voted, time and again, for non-violent means. We have voted, time and again, for political structures that accommodate differences and allow people to persuade and convince by way of debate and discussion. But by their use of violence these small groups ignore the community's wishes. They seem intent on spoiling the future that we have worked for and voted for; and on undermining the opportunity to reshape our justice system. They appear to want a justice system that is driven by the challenges of the past, rather than the opportunities of the future.

Be in no doubt. I will use the resources available to me to ensure a robust criminal justice response to their efforts - and I pay tribute to the successes that we have seen locally, and across the border, in recent weeks - success that is built on strong community opposition to violence - and I pledge again that I will support the Chief Constable and the Policing Board as they seek the resources that they need to tackle the threat.

But in responding let's not reach for the old solutions, as if they always worked. Often, they didn't. Rather, let's reach for the smart solutions. Let's be measured in our responses, and speak in partnership, with one voice. Let's not allow the violent extremists to divide us and destroy the political consensus that we have worked so

hard to establish. Let's demonstrate by our responses just how far this community has moved on, and how much further we want to go. Let's build a safer Northern Ireland by shaping a justice system for the future that we want to achieve, not the past that they want to drag us back to.

Recent events, with a violent death on the Shankill Road, are a clear reminder that there are also other paramilitary groupings who continue to try to exert their will over our communities. Our response needs to tackle every expression of paramilitarism - and to do so effectively we need to develop the partnerships with the community at all levels - from the strategic to the truly local.

Organised Crime

The need for smarter ways of working to build a safer Northern Ireland does not just relate to paramilitarism, but to organised crime as well - although it is often hard to tell the two apart. Organised criminals will use every opportunity, will go to any length, to make money off the backs of this community. They are determined, violent and ruthless. They are prepared to endanger life and steal property, to smuggle fuel and traffick people, to use blackmail, kidnap and weapons. And the only notice they pay to borders is as opportunities to make more money from illegal activities.

That is why, as Minister, **I will take on the chairing of the Organised Crime Task Force Stakeholder Group - an inter-agency partnership - and work closely with Dermot Ahern, the Minister for Justice in the Republic, to ensure that we close down the opportunities and loopholes that organised criminals and paramilitaries use. And it's why, in response to last week's IMC report, I will be taking up with Treasury Ministers concerns around the regulation of money service bureaux.** The criminals are smart - our responses need to be smarter. They work quickly, and in partnerships, and so must we. They co-operate across borders, and so will I.

Policing

The greatest asset that we have as we work for a safer Northern Ireland is, of course, our police service. The biggest single factor in securing the devolution of justice powers was the creation of a police service over which everyone in our community felt ownership - and that is something which I know our police service, from the officer on the beat to the Chief Constable and his senior team, work to maintain every day. **In the coming months I look forward to working with them, with the Policing Board, and with the wider community to develop and shape the long-term policing objectives that our community needs.** We need ambitious objectives, to match the ambitions of the service itself, and to reflect the high expectations this community has of that service.

But while we should have high expectations of the Police, we must not leave it to them to solve society's problems. In holding them to account, let us not lose sight of our own responsibilities. As we consider the long-term objectives let's have a considered debate about what our police service is for; how far their role should go and how far the wider community and its leaders have a duty too.

Lower levels of crime

For many people, the ultimate test of the justice system is whether it achieves a reduction in crime. But if there is one area that demonstrates more clearly than any other the need for partnership, it is in tackling the rates of offending and re-offending.

Within the justice family the Criminal Justice Board will continue to promote effective partnership working across the criminal justice system. In particular it will spearhead our response to a new flagship campaign aimed at reducing and responding to offending. As Minister, I will take a close interest in the work of the Board on this and other issues and will seek regular updates on progress. **I will also underpin the importance of partnership working by reshaping the way I engage with the most senior leaders within the criminal justice system. We will have clarity on our shared priorities - like reducing offending, speeding up justice and improving the experience of victims of crime - and we'll work together to make sure they're delivered.**

But while it may sound counter-intuitive, the reality is that crime, and the challenge of reducing crime, is not a challenge for the Department of Justice alone - it is a challenge for every Department. You can't separate offending behaviour from housing, neither can you separate it from health, nor from social care, nor from education, nor from training and employment.

This can be illustrated by looking at the background of the 21 young offenders who were in custody at the Juvenile Justice Centre earlier this year. Of these, all but one of those of school age had special education or alternative education needs; 4 had learning difficulties; and 10 mental health problems. Most had come from fractured homes or troubled communities and some had attempted suicide.

From the discussions I have had with Executive colleagues already, I know that they agree the need for a wider response, and so I have today written to invite them to join me in developing an Inter-Departmental approach to the serious issue of reducing offending, an issue which places such heavy costs - both social and economic - on Northern Ireland. My aim is to achieve a position of partnership across Government, focussed on the development of a new, comprehensive Reducing Offending Strategy.

We need a strategy that will take us to a new level in terms of collaborative working between Executive Departments, statutory and non-statutory agencies, if we are to drive down rates of offending and re-offending. A strategy that fundamentally reshapes our approach to tackling the problems that lead people into the criminal justice system, and which hinder them from getting back out of it when they do.

I don't come to this with some naive or unrealistic thinking. From my professional life before politics I know that the factors behind offending are complex, deeply rooted and often inter-generational. I know that we won't transform things overnight. Indeed, I am realistic enough to recognise the possibility that I won't see the full benefits during my time in this office. But I will make a start, and I will be ambitious, and I hope that others will share that ambition.

And if we can get past the politics, if we can show the political leadership that our officials and others will follow, then we can make the most of the advantages that come with having a relatively small population, a substantial public sector and a well developed movement of voluntary organisations. The levels of co-ordination that we should be able to achieve here in Northern Ireland offer us opportunities to really transform individual offenders, their families, and their communities.

Prisons

And reducing rates of re-offending is a prerequisite in any debate over the role of prisons within our justice system. The reality is that, for the safety of our community, we need prisons. But if prisons are to play an effective role in safeguarding our community they must be effectively used - and only used when that is the most effective response.

They must be places where prisoners are enabled to address the behaviour and tackle the problems that got them there in the first place; where people are rehabilitated, put back on the right track, and prepared for their return to society in a way that best ensures they can contribute positively in future. Our community needs to have confidence that our prison system is achieving that, and that is why, as one of my first actions in office. I announced that **I am undertaking a thorough review of the conditions of detention, management and oversight of all our prisons, starting with Maghaberry. I am finalising the terms of reference for that review, and will be announcing later this month the very impressive team that I am appointing to carry it out.**

I know that the review team will find, as I have, some excellent initiatives already underway. I pay tribute for example to the progress made in establishing the Offender management model. At first hand, in Hydebank Wood I have seen a range of family initiatives, and at Maghaberry Prison I visited the REACH unit which seeks to address the needs of vulnerable prisoners. Mental health is a major issue that can only be tackled in partnership.

But we need more - much more, including infrastructure improvements. And we need a professional body of Prison Officers, ready to embrace change and improved ways of (check against delivery) 11 working. So **alongside the review we will be driving forward a Workforce Reform Programme**, to ensure that we are able to implement whatever recommendations the review produces.

Also alongside the review of our prisons, we need to make sure that we have the right community alternatives for those for whom prison is not necessary - and may not even be desirable. That is why **I am reviewing our alternatives to custody to make sure we have the right range of community sentences available and use them in the right way.** There is a real debate to be had about the value of short prison sentences versus longer engagement with offenders in the community - a chance to influence their values and behaviour. So let us stop sending people to prison for offences that do not warrant it.

All of these initiatives are part of the wider agenda to reshape the justice landscape in Northern Ireland.

Safer, shared communities

And achieving safer, shared communities - where people can live, work and play together in safety - forms another fundamental part of that agenda.

Under direct rule, an initial community safety strategy was developed, and much good work was done. and continues to be done, to free communities from anti-social behaviour and crime. With devolution, the time is now right for us to develop a new strategy, and in the months ahead I will lead a debate about what a new Community Safety Strategy should include. You won't be surprised that for my part, I link safer communities to shared communities. I believe that we need to build a shared future, with shared communities, if people are to live in real safety.

Real safety will come when everyone can live free of fear ... free of fear of crime in their homes; free of fear that their business will be robbed; free of fear that they will be subject to attack because of their nationality or sexuality; free of fear of sectarian attack, whether at a sports match, on their way home from school, or in their own neighbourhood as they live on an interface.

Until now, we have resorted too readily to building walls to protect people - but the real route to protecting people is to remove the violence, to tackle its causes, to build connections rather than barriers between communities. I know that there are excellent examples of this already underway within and between many local communities. They know this work is not easy - and their commitment is all the more impressive and deserving of our support for that.

So as we develop a new Community Safety Strategy I want us to start sharing the creative things that are already underway at a local level in many communities. and giving them greater support. Let's begin to redirect government funding away from maintaining divides. and towards creating shared spaces - not in a top-down, "government-knows-best" way, but in a grassroots, community-led way. Let's support community initiatives and give people incentives for changing the places in which they live.

Empowering local leadership

We have a powerful voluntary sector, effective in making its case. But are we doing enough to empower local communities, at a grassroots level, to be part of defining their own solutions and to shift away, in safety terms, from depending on the police and statutory agencies to resolve local problems. Could we give them more encouragement to do so?

Through the development of a new Community Safety Strategy **I will press for a partnership approach, between and well beyond our Executive departments, to identify and work with those communities that are most** in need of support for the development of local community leadership, where we need to do more to support

local creativity in terms of problem solving. Grassroots leadership will do more for those communities than any amount of top-down initiatives, no matter how well-meaning.

And offering young people opportunities to develop into positions of leadership will provide a powerful alternative to involvement in crime and paramilitarism. There remain people who are determined to use and abuse young people by drawing them into paramilitary activities. Some of it is low level - with young people being made to feel important by throwing stones at the police; some of it is at an altogether more sinister level -with young men, little more than teenagers, being arrested and charged for murder.

I will seek the support of every Executive Department, the British and Irish governments and the international community - and any other source of goodwill and assistance that we can tap into - to develop and support innovative programmes, to help our community by helping those young people who are most at risk. Let's develop our young people to play a constructive role in their communities, to be leaders rather than followers, to be more like pioneers of our future and less like the paramilitaries of our past.

And where legislation is needed to ensure community safety, I will bring it forward. The Justice Bill will include measures on sports offences, and on tightening the notification requirements for sex offenders.

And again, partnerships will be critical to the success of any such strategy. So **I want to use the Bill to integrate the work of the District Policing Partnerships and Community Safety Partnerships so collectively they achieve more effectively and efficiently what they were each intended to.**

Justice for all - speedier justice

That kind of radical thinking, and working together, is needed across the justice system, if we are to secure the final part of my ambition: Justice for All.

"Justice for All" isn't just a catchphrase. It means tackling the delays in our criminal justice system and speeding up justice. We need to do so for two reasons: first, because a system with avoidable delay is inefficient and costly, and that money could be better spent: and second - and more important still - because it simply isn't fair on victims or those on trial that it takes as long as it does from the date of a crime to the date of a sentence. Justice delayed is justice denied. Victims and witnesses' experience of the process of justice would be improved, efficiencies would be made at a time when we need them like never before, and the community's confidence in the system as a whole will be improved.

I look forward to the forthcoming publication of a Criminal Justice Inspectorate's report on how the system is performing in this area, and **will use that report to assist me in driving this objective forward.**

Armed with that report, I **will directly oversee a new programme of work, to be delivered through the Criminal Justice Board, to streamline processes and eliminate unnecessary and wasteful delay.** The central aim of this programme will be to improve the victim's journey through the criminal justice system, and that will be the acid test of its success. And if I am not convinced that these measures alone will make the step change which is required, I will commission a study of other options, including statutory time limits on the criminal justice system, and I will act on its results.

Justice for all - PPS

"Justice for All" requires a justice system that everyone can have confidence in. So much has been achieved through and since the Criminal Justice Review to ensure that we have such a system, but already, ten years on, and in the context of the new structures of devolution, there are aspects that require further consideration.

One of the key strands of the Criminal Justice Review was the establishment of a Public Prosecution Service to take on responsibility for the whole gamut of prosecutions, with an emphasis on independence. For a relatively young organization, the PPS has taken important steps forward: not least establishing a regional structure, to help build relationships with the criminal justice organizations and communities locally, and consulting widely on its policies, such as those on rape and assisted suicide. I've started a series of regular meetings with the Director of Public Prosecutions where we have jointly focussed on the PPS's role in relation to wider issues affecting all criminal justice organisations, such as speeding up justice.

It remains vital that decisions on prosecution should be taken independently - just as operational policing decisions are taken independently by the Chief Constable. I'm old enough to remember when that independence wasn't always respected. The 2002 and 2004 Justice Acts introduced arrangements for independence that were considered necessary at that time. But since 2002 confidence in the independence of justice structures has grown. The issue now is to ensure that the accountability arrangements, which came into effect upon the devolution of justice - and which are, as yet, untested - are appropriate.

So mindful of the importance of the criminal justice system as a whole working effectively, the key question I'm asking is whether the relationship the law sets down between the new Attorney General and the PPS needs looked at again. We also need to look at the nature and level of accountability to the Assembly. I've already started discussing these questions with the new Attorney and will be discussing them very shortly with the First Minister and deputy First Minister as (check against delivery) 17 well as with the Director of Public Prosecutions. We mustn't let concerns about accountability dissipate the very confidence in the justice system that the current arrangements were designed to secure.

Justice for all - sentencing guidelines

Public confidence is also affected by the sentences that are handed down by our judiciary. I realise that judges take their sentencing responsibilities very seriously, and

the independence of the judiciary is a fundamental principle of the justice system. But at times, public expectations around sentencing are a long way from what is considered appropriate under the law, and we have work to do to help our community understand and think about sentencing. It also seems entirely reasonable to me that both offenders and victims should expect that crimes of a similar nature, committed in similar circumstances, should attract broadly similar sentences. But at present, I am not convinced that this is always the case. We need consistency across a whole range of offences, as even less serious offences, have a real impact on victims and communities. For these reasons I am confirming today that I will be launching a consultation on sentencing guidelines mechanisms, to examine how we can best establish a clearer, transparent and more consistent framework for sentencing.

Justice for all - victims and witnesses

"Justice for All" also means justice for victims, and respecting the critically important role of witnesses in our justice system.

For victims, I recently launched in Derry two new guides to the criminal justice system and will be taking forward a project to develop a statutory Code of Practice for Victims, that will enshrine the rights and legitimate expectations of all victims of crime. And I will be bringing forward legislative proposals for imposing a levy on offenders with the money raised being channelled into a fund to provide support to victims of crime.

For witnesses, we need to ensure that when people seek to help secure justice by coming forward as witnesses they don't themselves end up feeling like victims. For many years now the criminal justice system has recognised the important need for special protections and services for vulnerable witnesses in criminal proceedings, both to protect them and to enhance the quality of their evidence. I will use the Justice Bill to extend the availability of these special measures in criminal cases, and I also believe the time is now right to extend those special measures to cases, such as family law cases.

Justice for all - access to justice

And "Justice for All": means more. It means making justice accessible for all, and ensuring that we remove any barriers that prevent that. Much attention has been paid to the very necessary efforts that are being made to bring the costs of our legal aid system under control, and if that was necessary last year it is all the more necessary in the current financial climate.

The legal aid system in Northern Ireland has operated in essentially the same way since the 1960s. What has changed over the years, however, is just how expensive this system has become. Last year, more than £100m was spent on the legal aid system. Far too much of the budget is now being spent on comparatively few cases.

The recent phenomenon of Very High Cost Criminal Cases - in which less than 1% of the cases consume almost 30% of the total legal aid budget - is unsustainable and I am

determined to bring it to an end. I will ensure that that will be the case, using scarce resources wisely.

This is why I have already indicated that I will bring forward a range of reforms to the legal aid system, with the objective of aligning legal aid expenditure with the available budget.

But simply reducing the cost of the current legal aid system would be a missed opportunity. For many years the operation of the legal aid system in Northern Ireland has developed in tandem with the system in England and Wales. But devolution provides the opportunity - for the first time in a political generation - to decide how best to help people secure access to justice in Northern Ireland, and I am determined to make the most of this opportunity. **So, today, I want to go further than the reforms I have already indicated, and announce my intention to undertake a Fundamental Review of Public Legal Services in Northern Ireland, and will set out my plans in detail to the Assembly in due course.**

The objective of the review will be to go back to first principles, and to decide how best to help people secure access to justice. My vision for public legal services in Northern Ireland is:

- One which helps more people solve their legal problems;
- Which puts much greater emphasis on finding solutions to problems outside court, and less emphasis on fighting cases inside court - with all the expense and stress this gives rise to;
- And which provides a much wider choice in the sources of legal help available to those in need. Instead of simply paying people to go to law, it should also be possible to "bring the law to the people" through advice centres and legal clinics. You only have to look at the excellent work being done by Citizens Advice, Advice NI and the Law Centre to see what I have in mind.

I am determined that the report of the Fundamental Review will sets out a road map to make that vision a reality, and provide Justice for All.

Conclusion

So you can see why I described my goal as an ambition!

I didn't join this Executive because I thought being Justice Minister would be easy, or because no-one else was prepared to take on the job, or because I was the only nominee who could secure the cross-community support that was required. I took it on because I am ambitious for our community, and ambitious about the opportunities that devolution presents to reshape the justice system to meet our current and future needs.

But again, I know that one Minister, or one Department, or even the whole Executive alone won't be able to achieve the programme that I have outlined here this afternoon. But if we forge the right partnerships, if we work across our Executive, across our

criminal justice system and across our community, I believe that the opportunity is there for the taking.

Our justice system has seen much improvement over the last ten years or so. We now have a Police Service that has secured broad-based confidence in the community and has begun to change its policies and practices of policing. We have a Youth Justice Agency, whose approach to youth conferencing is world-class and which is making a significant impact on re-offending rates. The Northern Ireland Courts and Tribunal Service is providing the administration of courts and tribunals, and supporting an independent judiciary. North-South agreements on co-operation have encouraged practical collaboration between agencies, and a unified Criminal Justice Inspectorate is driving up standards.

But I believe that devolution offers the opportunity to make improvements that previously weren't possible. It increases accountability; offers an opportunity to identify local solutions to local problems; and to increase the degree to which our community "owns" its justice system, and works in partnership to develop the solutions that we need to make Northern Ireland safer; to reduce levels of crime; to build safer, shared communities: and to secure justice for all.

The Agreement reached in this room in 1998 created the opportunity to carry out the Criminal Justice Review - a review that fundamentally reshaped our criminal justice system for the last ten years.

The opportunity that devolution presents us in this room is a bigger one still - the opportunity to reshape the entire justice system for the next ten years.

I hope that we will join together in grasping that opportunity, and I look forward to working with you - in partnership - as we do so.