



Mission

The Commission for the Support of Victims of Crime was established in March 2005, with a three year remit to

- 1.** devise an appropriate support framework for victims of crime into the future and
- 2.** to disburse funding for victim support and assistance measures

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Commission for the Support of Victims of Crime
**Report to the Tánaiste and the Minister for Justice,
Equality and Law Reform**
2006

Executive Summary

- **The Commission held 13 formal meetings, as well as a number of subgroup meetings, between January and December 2006.**
- **The Commission continued in 2006 to build on the work commenced in 2005 i.e. disbursing funds to organisations engaged in supporting victims of crime and working on the development of a framework for the support of victims of crime into the future.**
- **44 applications for funding were received in 2006 after a public advertisement and were examined in detail by the Commission**
- **€ 885,250 was distributed to 33 groups providing front-line services to victims of crime in 2006 out of the €1,100,000 available to the Commission.**
- **The Commission met with a number of the criminal justice agencies and voluntary groups working with victims of crime as part of an ongoing and extensive round of consultations.**
- **The Commission held an Introductory Day in February, 2006 and a Seminar later in the year in order to promote the development of mechanisms for communication and co-operation among the groups being funded and between them and the criminal justice agencies.**
- **The Commission appointed a Co-Ordinator in 2006 to act as a liaison on their behalf and the various organisations that were provided funding by the Commission.**
- **The Commission ran a major radio advertising campaign to promote the work of the organisations that provide support to victims of crime.**
- **Background research and preparatory work begun in 2005 to inform the development of an overall framework of services for victims of crime, was continued by the Commission in 2006.**



1. Members of the Commission:

Mr Jim McHugh, (Chairman), former Assistant Commissioner,
An Garda Síochána,

Ms Nora Owen, former Minister for Justice, Equality and Law Reform,

Mr Sean Lowry, former head of the Probation Service,

Mr Michael Whelan, Gemini Consulting,

Ms Marian Finucane, broadcaster.

Secretarial and other supports are provided by the Department of Justice, Equality and Law Reform.

2. Background

2.1 The Commission was established in March, 2005 against a background of:

- a need to review the mechanisms and services put in place by specific agencies to assist victims, in the context of the criminal justice system as a whole, as set out in the Victims Charter
- the evolution of thinking in relation to victims' needs; for example recognition of the need to support victims of sexual assault and domestic violence during court proceedings
- a wider context within which policy needs to be considered, specifically in the context of Ireland's obligations under the EU Framework Decision on the Standing of Victims in Criminal Proceedings
- the decision of the Minister to withdraw funding from the Victim Support organisation with effect from 31st March 2005.

2.2 Arising from the above, the Commission decided on a two- tiered approach to its work. In the short term, it would focus on trying to ensure continuity of services on the ground for crime victims where existing services were failing or were

absent. In a later phase, it would undertake a comprehensive review of current and future needs with a view to devising a framework of victim services into the future.

3. Meetings

- 3.1** The Commission held 13 meetings in the period January to December 2006 covering a total of 60 hours' discussion. In addition subgroups were appointed to examine specific issues.
- 3.2** The Commission also continued with its consultations with interested parties in the context of its review of the provision of the Victims Charter which had not been updated since 1999.

4. Disbursement of Funding

- 4.1** €1,100,000 was made available to the Commission for disbursement in funding in 2006.

A public advertisement was placed in national newspapers inviting applications for funding for the provision of services or assistance to victims of crime. A detailed application form was forwarded to each of the applicants and 44 completed applications for funding were returned to the Commission. **Copies of the advertisement and application form are at Appendix E and F.**

- 4.2** The Commission examined each application in detail.
- 4.3** As in 2005, the Commission decided to prioritise the funding of activities at ground level that provide direct supports for victims of crime, rather than e.g. administrative structures or research projects.
- 4.4** The Commission sees one of its roles as ensuring the provision of a high quality service across the country to victims of crime. In the interest of ensuring a coherent and effective service to crime victims it must make certain that basic conditions are met and that there is a commonality of practice across the board. Professionalism dictates that organisations have good governance and engage in best practices. As a first step towards this, the Commission introduced new accountancy procedures in 2006. The Commission's priority has to be in ensuring maximum benefit for the victim from taxpayers' funds. The financial procedures put in place by the Commission provide some protection for organisations in terms of accountability concerning monies received and expended.
- 4.5** Each successful organisation which had received funding in 2005 was required to provide a Financial and Evaluation Report for 2005 and sign a Form of Acceptance which outlined certain undertakings before monies were issued in 2006. The Form of Acceptance included a commitment to provide reports and financial accounting as required.

- 4.6 Organisations being funded were required to be legal entities, to register with the Data Protection Commissioner, and to provide evidence of tax compliance in accordance with Department of Justice, Equality and Law Reform procedures.

5. Applications received and granted funding by the Commission

- 5.1 The Commission received applications for funding from a number of groupings of local volunteer branches who are affiliated to the following organisations;

- Victim Support
- the Federation for Victim Assistance
- Support after Crime

The Commission also received applications from the following organisations that provide specialist services:

- *National Crime Victims Helpline [1850-211-407]*
The Commission supports and promotes the National Crime Victims Helpline as a central point of contact for all victims of crime. The Helpline began operating in September 2005 and was formally launched by the Minister for Justice and Law Reform on 14th November 2005. It is manned by volunteers and operates from 10.00am to 5.00pm Monday to Friday and from 2.00pm to 4.00pm Saturday. As well as providing information and emotional support for victims of crime, the Helpline acts as a resource for other voluntary organisations and the Gardaí in helping to ensure that victims of crime can access the supports appropriate to their needs
- *The Court Support Service* who provide practical, emotional and psychological support to witnesses, victims and families of victims going to court.
- *The Irish Tourist Assistance Service* which provides a support service to tourist victims of crime
- *AdVic* whose aim is to “*advocate for changes that will bring about a re-balancing of the Criminal Justice System, and recognition of the status of families of homicide victims within the system*”
- *Support after Homicide* which provides emotional and practical support for those bereaved by homicide

5.2 Services to victims of Domestic Violence

The Commission approved 16 applications for funding from organisations providing services to victims of domestic violence, mainly for the provision of a court accompaniment service.

5.3 Services to victims of Sexual Violence

The Commission approved 5 applications for funding from organisations providing services to victims of sexual violence. Again the majority of these applications were seeking funding for the provisions of a court accompaniment service.

5.4 Summary of successful applications

33 organisations were successful in securing funding from the Commission in 2006. **Appendix A** has a full list of the organisations which were allocated funding in 2006.

5.5 Summary of unsuccessful applications

There were 10 unsuccessful applications. The Commission gave priority to activities that provide direct supports to victims of crime at ground level, and a number of applications failed this test. A full list is at **Appendix B**.

6 Co-operation and co-ordination between the Commission and all the Criminal Justice Agencies

6.1 Co-operation and co-ordination between all criminal justice agencies such as the DPP, an Garda Síochána, the Court Service, the Probation Service, the Legal Aid Board are seen by the Commission as essential to address the needs and concerns of victims of crime. Respect for the dignity, autonomy and rights of every victim are core values of those organisations.

6.2 The Commission worked closely with all these agencies and organisations to ensure that the victim has a central place in the criminal justice system. The Commission met with a number of these agencies as part of an ongoing and extensive round of consultations.

6.3 The Commission is fully committed to working with An Garda Síochána to ensure that victims and their families are kept informed of progress in cases in which they are involved and of the supports that are out there for them. The Gardaí worked closely with the Commission when drawing up their policy in relation to victims of crime. The Gardaí organised a Seminar in September, 2006 for the NGOs involved in victim support funded by the Commission at which the Chairman of the Commission gave an address.

6.4 The Commission also emphasises the necessity for support to be provided to victims of crime, particularly in attending court. Courtrooms can be extremely stressful environment for victims and their families. The Commission was in regular contact with the Courts Service during 2006 regarding the facilities and arrangements in court houses for victims of crime.

6.5 The Commission was also in touch with the Office of the Director of Public Prosecutions and brought the concerns of NGOs and victims of crime to their attention.

6.6 In the interest of providing a co-ordinated service to victims of crime, the Commission wrote to all of the relevant criminal justice agencies in 2006

notifying them of the allocation of funding to the various groups, the nature of the service being provided by the groups, contact numbers etc. and asking for co-operation and assistance with their work.

7 Co-operation and co-ordination between the Commission, the Criminal Justice Agencies and the Non-Governmental Organisations (NGOs)

7.1 Similarly co-operation between the Commission, the Criminal Justice Agencies and the NGOs is essential. The Services and the NGOs must co-operate to provide the most user- friendly systems possible which are widely available for the victims while at the same time ensuring there is no duplication of services.

7.2 The Commission aims to provide funded organisations with the best possible service and advice and wherever possible to meet any special needs they may have. It is prepared to respond to requests for meetings by NGOs whenever possible. In 2006, following requests for such meetings the Commission personally met with Victim Support, Support after Crime, and the Federation for Victim Assistance.

7.3 Amongst the issues discussed with all three groups were good governance and structures, arrangements for the delivery of services on the ground, the prospects for co-operation with each other and with the referral agencies and plans for future development of their organisations.

8. Appointment of Co-ordinator

To assist the Commission in maintaining regular contact with the organisations it funds, it appointed a Co-ordinator Mr. Denis O'Neill, to act as a liaison between them and the Commission. Mr. O'Neill during 2006 met with all funded organisations and brought their group concerns to the Criminal Justice Agencies and the Commission by way of reports of his meetings.

9 Introductory Day and Seminar

9.1 During 2006 the Commission continued to promote the development of mechanisms for communication and co-operation among the groups being funded and between them and the criminal justice agencies.

9.2 In February, 2006 the Commission invited all the NGOs who provide court accompaniment services to meet with them and to be introduced to a representative of the Courts Service and Ms Clare Loftus, Chief Prosecuting Solicitor, Office of the Director of Public Prosecutions (DPP).

9.3 The purpose of this meeting was to discuss court accompaniment services and to explore matters of mutual interest to providers of court accompaniment services. The Courts Service representative spoke about the facilities available for victims of crime in the Four Courts. He acknowledged that standards vary throughout the country but that the Courts Service was committed to making facilities available for victims in any new projects they undertake, such as the new Criminal Court Complex in Parkgate St.

- 9.4** Ms Loftus of the DPP's office informed the meeting that the DPP was anxious to interact effectively and efficiently with all victim support organisations. She felt that if there was a clear understanding of the role of the DPP's office, a more accurate and more representative service would be provided. She went on to explain the role of the DPP in the criminal justice system as far as a victim is concerned.
- 9.5** The Commission also organised a Seminar Day in November 2006, which was held in Croke Park. 68 people representing 27 of the organisations funded by the Commission attended the Seminar.
- 9.6** Mr. Frank Fahy, Minister of State at the Department of Justice Equality and Law Reform opened the Seminar. Ms Pauline Hall, an Associate with the Institute of Public Administration facilitated the Seminar. The Speakers at the Seminar included representatives of the Courts Service, the Probation Service, the Legal Aid Board and the office of the Director of Public Prosecutions. (See Extract from *Summary of the Day* at Appendix G)
- 9.7** The intention behind the Seminar was to give everyone working in the area of victim support, both statutory and non-governmental, an opportunity to meet each other and a chance to share ideas and experiences. From feedback received, the Commission is of the opinion that the Seminar proved very successful in that objective

10. Promoting awareness of the services available to victims of crime

- 10.1** The Commission ran a major radio campaign in December, 2006 and also advertised in the Courts Service Magazine to promote the work undertaken by the organisations it funds.
- 10.2** Crime Call (RTE 1) devoted a section of a programme to victims of crime in December, 2006. Mr. Jim McHugh, Chairman of the Commission represented the Commission on the programme.
- 10.3** The Helpline had co-operated and remained available after hours during the showing of the programmes as there was an increase in the number of calls to the Crime Victims Helpline after these campaigns.

11. Developing a Support Framework for Crime Victims

- 11.1** In addition to the disbursement of funds to organisations that support victims of crime, the Commission was established to
- “devise an appropriate support framework for victims of crime into the future.”

The Commission also concentrated on this work in 2006. A dedicated “Brainstorming Day” was held by the Commission to develop their thinking

around “victims” and the services that should be provided under any future framework. The Facilitator was again Ms Pauline Hall of the IPA.

- 11.2** It decided it would be necessary to have some independent research carried out in order to assist in the drawing up of the Framework. A Tender for a Research Project was drawn up which was to be issued to the Research Departments in the National Universities early in 2007.

12 Review of the Victims Charter

- 12.1** The Commission’s remit includes the examination of all aspects of the provision of services for victims of crime within the criminal justice system. These provisions are currently set out in the Victims Charter which was last updated in 1999.

The Charter entitled “*Victims Charter and Guide to the Criminal Justice System*” provides a written framework of rights and entitlements against which victims of crime can measure the level and standard of treatment received in their dealings across all sections of the criminal justice system.

- 12.2** The Commission is committed to a comprehensive review of the ongoing effectiveness of the Charter and wrote to the relevant agencies requesting the following information

1. an assessment of the Charter’s provisions, insofar as they relate to that organisation in particular and the criminal justice system as a whole;
2. an estimation of the effectiveness of the services being provided by that organisation in terms of the benefits for the victim;
3. an outline of the proposals that organisation has for the further development of services for victims of crime.

The Commission is at present evaluating these responses and has commenced updating the Victims Charter.

13 Other Commission Activities in 2006

The Commission was represented at the following launches/Conferences:

- Launch of Court Support Service
- AGM of Victim Support
- Launch of Advic’s Booklet
- Launch of Director of Public Prosecution’s Information Booklets
- Launch of Women’s Aid Annual Report
- Launch of Irish Tourism Assistance Service Annual Report

Representatives of the Commission visited the following organisations during 2006:

- Offices of the Court Support Service, Four Courts, Dublin 7
- National Crime Victims' Helpline, Camden Row, Dublin 8

The Chairman and Ms Owen met with the following during 2006

- Assistant Commissioner Pat Crummey in the Garda Depot
- Mr. P. J. Fitzpatrick, Chief Executive Officer of the Courts Service in his office in Phoenix House

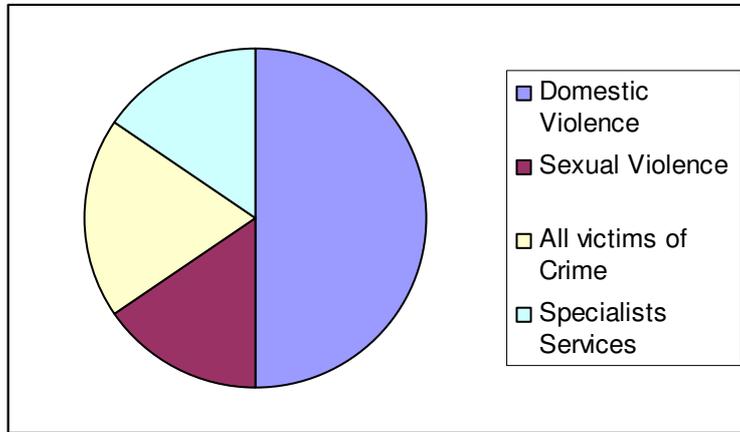
Successful applicants for funding in 2006		
Organisation	€	Purpose of funding
Adapt (Kerry)	21,000	Court accompaniment
Adapt (Limerick)	40,000	Court accompaniment
AdVIC	10,000	Advocacy and support to families bereaved by homicide
Amen	32,000	Court accompaniment
Ascend	20,000	Court accompaniment
CARI	42,000	Court accompaniment & helpline
Carlow Women's Aid	6,500	Court accompaniment
Court Support Service	57,500	Court accompaniment
Crime Victims Helpline	84,000	Operation of National Crime Victims Helpline
Cuan Saor Women's Refuge Ltd.	14,000	Court Accompaniment
Dept of Law, U.C.C	5,000	Development of website with information for victims of crime regarding their rights and entitlements
Donegal Domestic Violence Service	18,000	Court accompaniment
Drogheda Women's Refuge	20,000	Court accompaniment
Dundalk Counselling Service	16,000	Counselling services to victims of crime
Federation for Victim Assistance	44,100	Services to victims of crime
Irish Centre for Parentally Abducted Children (ICAP)	1,000	Assist in provision of their services
Irish Tourist Assistance Service	52,500	Frontline services to tourist victims of crime
Longford Women's Link	20,000	Court accompaniment
Mayo Women's Support Service	15,000	Court accompaniment
Meath Women's Refuge	17,500	Court accompaniment
Mná Feasa	20,000	Court accompaniment
One in Four	30,000	Court accompaniment and support to victims
OSS Cork	8,000	Court accompaniment
Ruhama	37,500	Court accompaniment and support to victims
Sexual Violence Centre, Cork	27,000	Court accompaniment
South Kerry Branch for Victim Support	9,250	Services to victims of crime
Support After Crime	85,000	Services to victims of crime
Support After Homicide	10,000	Support to families of Homicide victims
Tearmann Housing Association	20,000	Court accompaniment
Waves Coalition	6,000	Court accompaniment
Women's Aid Dublin	44,400	Court accompaniment
Women's Aid Dublin 2nd Application	15,000	Outreach Project in Ballymun
Women's Aid Dundalk	7,000	Court accompaniment
Victim Support	30,000	Services to victims of crime
Total	885, 250	

Appendix B

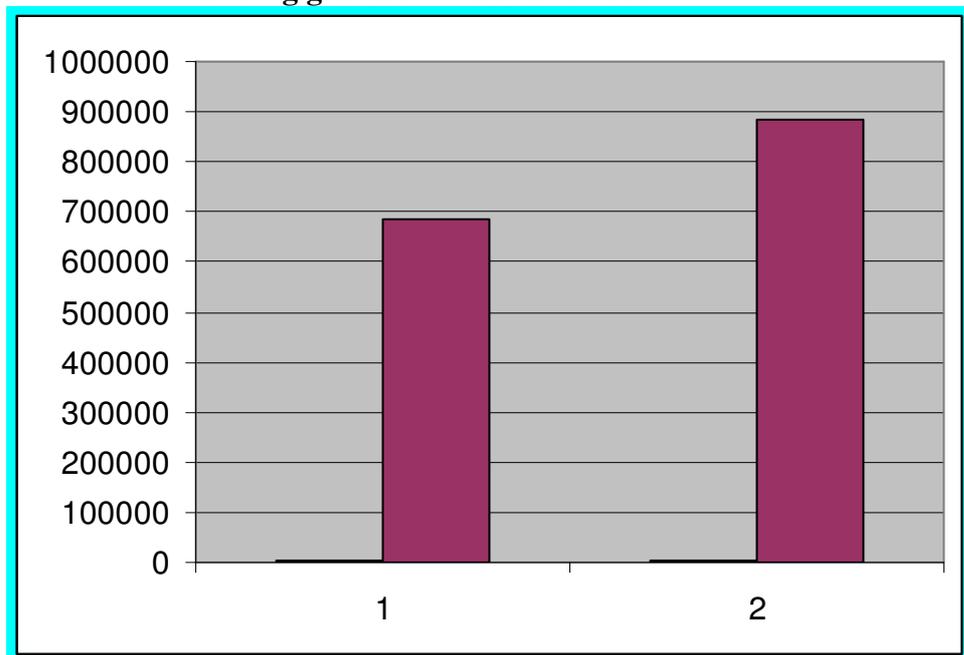
Unsuccessful Applicants for funding in 2006

	Organisation
1	Bedford Row Family Law Project
2	Glenree Centre for Reconciliation
3	H.U.R.T
4	Kedron Counselling and Therapy Centre
5	S.T.E.E.R
6	Westmeath Community Development
7	Irish Tourist Assistant Service (Racism Services)
8	Exchequer Clinic
9	Muntir Na Tire
10	Sligo Victims Response

Funding granted by type of organisation providing services to victims of



Funding granted in 2005 and 2006

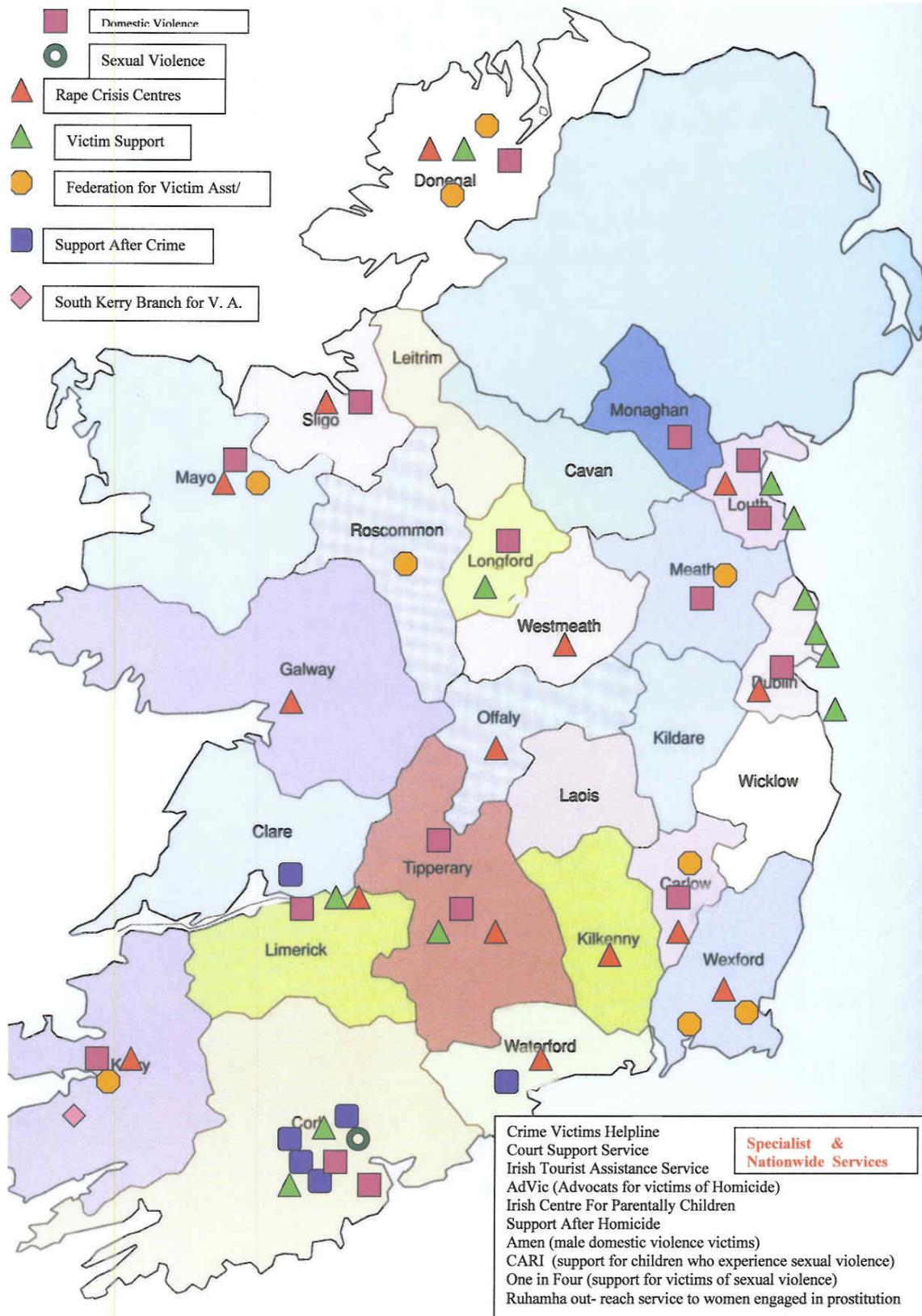


1 = Funding in € in 2005

2 = Funding in € in 2006

Appendix D

Map showing location of Non-Governmental Organisations funded by the Commission for the Support of Victims of Crime in 2006



Application Form, 2006
Commission for the Support of Victims of Crime

Allocation of funding for services to victims of crime

APPLICATION FORM 2006

Completed forms to be returned to:

Anne O'Shea,
 Secretary,
 Commission for the Support of Victims of Crime,
 94 St Stephen's Green,
 Dublin 2.
 Email: csvc@justice.ie

to reach us no later than **5pm on 18th April, 2006**. Emailed applications will also be accepted subject to the above deadline.

Reference No <i>(for office use only)</i>	CSVC/06/
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Name of Organisation / group:	
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Successful Applicant organisations must:

- **be a legal entity**
- **provide written undertakings before monies are issued**
- **agree to co-operate with other organisations and services being funded by the Commission**
- **provide reports and financial accounting as required**
- **comply with the requirements of the Data Protection Commissioner**
- **provide evidence of tax compliance in accordance with DJELR procedures**

Incomplete application forms will not be processed.

Form csvc1

1. Applicant Details (N.B. Organisations funded by the Commission in 2005 and whose circumstances have not since changed, are required to complete questions marked with an asterisk* only).

1.1	Full name of organisation/group making application*	
1.2	Contact for Correspondence:*	
	<i>Name:</i>	
	<i>Position within Organisation:</i>	
	<i>Address:</i>	
	<i>County:</i>	
	<i>Daytime Phone: Fax:</i>	
	<i>Mobile Number:</i>	
	<i>Email:</i>	
1.3	How long has your organisation been in existence?	
1.4	Is your organisation a registered company and/or charity? If so please quote registration number(s).	
1.5	Give details of your organisation's management structure / arrangements. If there is a Board of Management please append details.	
1.6	Name of Financial Institution where bank A/C is held	
1.7	Has the organisation received funding (from statutory agencies, sponsors or fundraising) in 2004 2005 or 2006?	
	If so, please specify source(s) and amount of funding received.	
	What purpose/service was the funding used for?	
1.8	If funding is provided by the Commission, can audited accounts be provided if required?	

2. Project/Service Details

2.1	Please indicate the nature and purpose of the proposed project/service in respect of which funding is sought (Additional details may be attached as an appendix to this form.)	
2.2	Project Time Frame:	
	a) Earliest start-up for project from allocation of funds	
	b) Completion period for project from start-up	
2.3	Is this proposal a new project or is it a continuation of an existing service?	
2.4	Catchment Area (district, county, etc)	
	Are there any other groups in your catchment area doing the same or similar work?	
2.5	What target group(s) are expected to benefit from this project?	
	How have these been identified?	
2.6	Total cost of project:*	
	Please give a breakdown of the total cost of the project at 2.6 under the following headings:*	
	<i>Staff numbers and costs (incl. PAYE, PRSI etc.) *</i>	
	<i>Premises (e.g. rental) *</i>	
	<i>Office overheads (postage, telephone, stationery, materials etc) *</i>	
	<i>Volunteer expenses *</i>	
	<i>Other costs (specify) *</i>	
	Amount of funding now sought from the Commission?*	
2.7	Have you received or applied for funding in respect of this project from any other sources? If yes, please give details. *	
2.8	Are you receiving or have you applied for funding for any other project? If so, please give details.	

3. Disclosure of information under the Freedom of Information Act

The Commission for the Support of Victims of Crime wishes to remind applicants that the information supplied in the application form and supporting documentation may be released, on request, to third parties, in accordance with the Department's obligations under the Freedom of Information Act 1997 and 2003.

You are asked to consider if any of the information supplied by you in applying for funding under this programme should not be disclosed because of sensitivity. If this is the case, you should, when providing the information, identify same and specify the reasons for its sensitivity. The Commission will consult with you about sensitive information before making a decision on release of such information. The Commission may, if requested, release information to third parties without further consultation with you, unless you identify the information as sensitive with supporting reasons.

If you consider that **some** of the information is sensitive, please identify clearly such information when submitting your application.

If you consider that **none** of the information supplied by you is sensitive, please complete the statement below to that effect. Such information may be released in response to a Freedom of Information request.

(Name of Organisation): _____ hereby agrees that none of the information supplied is sensitive, and acknowledges that any, or all, of the information supplied, may be released in response to a Freedom of Information request.

Signed: _____

Date: _____

Name: _____ (*in block capitals*)

4. Tax Clearance Certificate and Certificate of Incorporation under the Companies Act, 1963 to 2005

It will be a condition for the granting of any application for funding that the applicant will be required to produce promptly a Tax Clearance Certificate from the Irish Revenue Commissioners and a Certificate of Incorporation under the Companies Acts, 1963 to 2005.

5. Disclaimer

Please read carefully

It will be a condition of any application for funding that the applicant has read, understood and accepted the following:

(i) The Commission for the Support of Victims of Crime shall not be liable to the applicant or any other party in respect of any loss, damage or costs of any nature arising directly or indirectly from:

a) the application or the subject matter of the application:

b) the rejection for any reason of any application.

(ii) The Commission for the Support of Victims of Crime, its servants or agents shall not at any time in any circumstances be held responsible or liable in relation to any matter whatsoever arising in connection with the development, planning, operation, management and/or administration of individual projects.

6. Applicant's Statement

I/we certify that I/we read and understood the guidelines applicable to this funding. We agree that, if our application is successful, we will comply fully with any conditions that the Commission may deem appropriate.

I/we certify that all information provided in this application, and all information given in any documentation submitted in support of the application is truthful and accurate.

I/we hereby undertake that, if our application is successful, from the date of the allocation, no-one will be denied access to any service or part of a service in respect of which an allocation has been made on the grounds of sex, religion, ethnic origin or disability.

Signed: _____

Date: _____

Name: _____ *(in block capitals)*

On behalf of: _____ *(Organisation's name)*

Newspaper Advertisement



**PUBLIC NOTICE
COMMISSION FOR THE
SUPPORT OF VICTIMS OF CRIME**

**Funding for the Provision of
Services to Victims of Crime**

The Commission for the Support of Victims of Crime was established by The Minister for Justice, Equality and Law Reform in March 2005 to -

- Devise an appropriate support framework for victims of crime into the future and
- Disburse funding for victim support and assistance measures.

The Commission is again inviting applications for funding from registered charities, voluntary/ community groups and other bodies who provide or who have proposals for the provision of victim services/ assistance.

Application forms can be downloaded from www.justice.ie or can be obtained from Anne O'Shea, Secretary to the Commission at the address below. **Application forms must be returned by 18th April 2006.**

Contact details:

Ms Anne O'Shea.
Commission for the Support of Victims of Crime.
C/O Department of Justice, Equality and Law Reform,
Old Faculty Building
Shelbourne Road
Dublin 4.

Tel: 01-6028681 e-mail: csvc@justice.ie

Extract:

Summary of the Day

**Seminar on the Support of Victims of Crime
21st November, 2006
Croke Park**

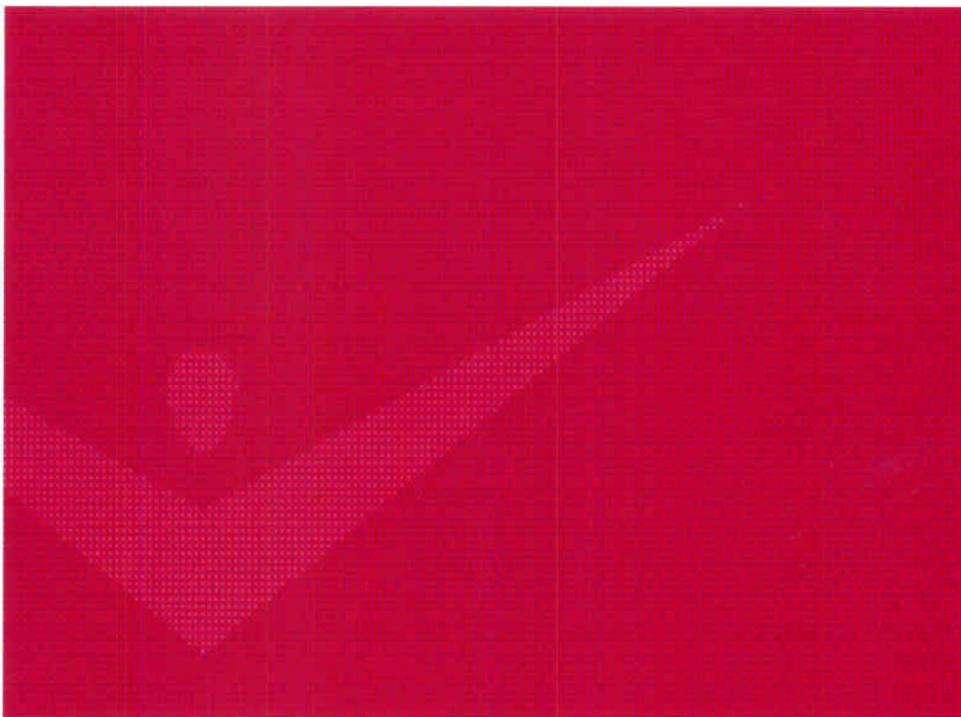


Seminar on the Support of Victims of Crime

21ST November, 2006

Croke Park

Summary of the Day



Commission

for the Support of

Victims of Crime

Seminar on Support of Victims of Crime

1	9:30 a.m	Registration and Coffee
2	10:00a.m	Launch by Mr. Frank Fahey, T.D., Minister for State at the Department of Justice, Equality and Law Reform
3	10:15a.m	Chairman's address
4	10:30a.m	Presentation from Courts Service
5	10:55a.m	Presentation from Probation Service - Restorative Justice
	11:20a.m	Coffee
6	11:45a.m	Presentation from the Legal Aid Board
7	12:00a.m	Presentation from Director Public Prosecutions (DPP)
	12:20a.m	Questions and Answers
	1:00 p.m	Lunch
8	2:00 p.m	Presentation from An Garda Síochána
9	2:20 p.m	Case Study Presentation from the Rape Crisis Centre
10	2:45 p.m	Breakout into 2/3 Groups (With coffee provided in each area) <ul style="list-style-type: none"> • NGOs involved in support of victims of violence against women/men • NGOs involved in support of victims of crime generally
11	3:40 p.m	Report Back
12	4:30 p.m	Concluding Address – Chairman



Commission for the Support of Victims of Crime

Seminar on the Support of Victims of Crime

21st November, 2006

Item 1: Registration and coffee

The Seminar was attended by 68 people representing 27 organisations who support victims of crime.

The Seminar was chaired by Ms Pauline Hall. Ms Hall was a Senior Management Specialist with the Institute of Public Administration and is now an Associate with the Institute

Item 2: Launch by Mr. Frank Fahey, T.D. Minister of State at the Department of Justice, Equality and Law Reform.

Minister Fahey opened the Conference by welcoming all and pointing out that the Seminar would be a great opportunity for those involved with the victims of crime to meet and exchange ideas

Full copy of Minister's Fahey's speech is at Appendix 1

Item 3: Chairman's address

In his address Mr. Jim McHugh, Chairman of the Commission for the Support of Victims of Crime thanked the Minister for launching the Seminar and again pointed out that the Seminar would give everyone an opportunity to share ideas and experiences and perhaps learn something new.

Full copy of Mr .McHugh's address is at Appendix 2

Item 4: Presentation from the Courts Service

Mr. P. J. Fitzpatrick, Chief Executive of the Courts Service gave a presentation on the Courts Service.

He gave a brief history of the establishment of the Courts Service and the role it now plays in relation to managing the Courts, supporting the judiciary and providing a professional service to all users of the courts.

He outlined their modernisation programme and in particular how this is impacting on all users, including victims of crime.

Mr. Fitzpatrick said the Courts Service is in regular contact with the Commission for the Support of Victims of Crime. Mr. Fitzpatrick proposed setting up biannual regional meetings with those groups who work in the area of supporting victims of crime.

Full copy of Mr. Fitzpatrick's presentation at Appendix 3

Item 5: Presentation from the Probation Service

Mr. Michael Donnellan, Director of the Probation Service gave a presentation on the Probation Service.

He said the role of the Probation Service is to access and manage offenders in the community on behalf of the Prisons and Courts Service and in the process to make society safer through respect, accountability restoration and social inclusion.

He outlined the path an offender follows through the Criminal Justice system and his eventual return to the community.

Mr. Donnellan also gave a talk on Restorative Justice

The Probation Service now see restorative justice as part of the broader approach which aims to put right the harm done by offending behaviour – either to the individual victims or to the wider community, suffering from the effect of the crime. It seeks to repair that harm by providing a forum for victims and/or the community to address their issues and concerns with offenders. Restorative Justice does this by providing a suitable way for offender and victim to communicate, so that the offender takes responsibility for what they have done and for its effects, and agrees how they will put matters right and prevent a recurrence. The Restorative Justice process gives the victim a voice in the Criminal Justice system and empowers victims to have a proactive role in the outcome of cases.

The Probation Service funds two pioneering justice initiatives which address specifically victim's issues directly with offenders in their communities, a Restorative Justice service in Tallaght and a Community Repatriation Project in Nenagh.

The Restorative Justice Service in Tallaght offers two options to the courts – Victim – Offender Mediation and an offender Reparation Programme. The Nenagh Reparation Project operates a Restorative Justice panel with the local District Court.

The Victim –Offender Mediation option (post conviction) managed by trained and experience mediators, can involve the victim in carefully managed face to face contact with the offender or third party contact. Victim - Offender mediation offers victims an opportunity where they can question and challenge the offender and their behaviour and communicate their own feelings of hurt and trauma in a safe environment.

In the offender Reparation Programme, offenders following conviction, meet with a mediator before appearing before a panel comprising a community representative, a Garda Síochána representative and a Probation Service representative. An agreed programme of change, reparations to the victim (apology) and restoration (financial compensation) is agreed and managed through the mediator. A final review takes place before the panel confirms completion of the programme or otherwise before reporting the result to Court for disposal of the case.

Item 6: Presentation from Mr. John McDaid, Legal Aid Board

Mr. McDaid is the Professional Liaison Officer with the Legal Aid Board's. He spoke of the Board's role in the support victims of crime.

The Legal Aid Board (LAB) was established in 1979 to deliver a range of civil legal services at low cost to people unable to fund such services from their own resources. The Board's main service is to provide Civil Legal Aid. It provides advice and representation on many areas of civil law to those requiring such information and assistance.

The Board has thirty local offices or law centres with its own solicitors but private solicitors and barristers are also engaged to help provide an efficient service. The Board deals with a vast range of legislation. In 2004, the Legal Aid Board helped just over 12,527 people with a variety of legal problems ranging from separations to last wills and testimonies. The Board also has responsibility to assist asylum seekers and in 2004 helped 3500 new clients with problems related to their desire to stay in Ireland.

Mr. McDaid outlined the position regarding representation for complaints in rape cases. The Sex Offenders Act, 2001 provides that separate representations for complaints in rape and other serious sexual assault trials where an application is made to the court in the course of the trial to adduce evidence or cross-examine on the subject of the complaint's past sexual history. The legal aid service is not subject to a means test and no contribution is payable. Legal advice as opposed to representation is also available, through the Legal Aid Board to complainants in rape and certain sexual assault cases. This service is currently subject to a means test and persons who satisfy the financial eligibility criteria are provided with this legal advice free of charge. The number of complainants who have sought advice has remained low.

Copy of Mr. McDaid's presentation is at Appendix 4

Item 7: Presentation from the Office of the Director of Public Prosecutions

Ms Clare Loftus, Chief Prosecution Solicitor, Office of the Director of Public Prosecutions (DPP) spoke about the role of the DPP's Office and the Prosecution Legal Team; the commitments that they have made to victims in terms of information and pre-trial meetings; how they see the victim support services as complimenting and assisting the prosecution in the carrying out of their functions.

Ms Loftus distributed information booklets at the Seminar entitled "The Role of the Director of Public Prosecutions" and "Attending Court as a Witness"

Ms Loftus Presentation is at Appendix 5.

Item 8: Presentation from An Garda Síochána

Superintendent Tom Murphy, Garda Community Relations said that timely and accurate support for victims of crime is a core duty and responsibility for all members of An Garda Síochána.

Copy of Superintendent Murphy's presentation is at Appendix 6

Item 9: Presentation from the Rape Crisis Network

Ms Kate Mulkerrins, Legal Co-Ordinator of the Rape Crisis Network thanked the Commission for the work it had done so far and introduced Ms Mel Connors who gave the Seminar a case study. The characters and events in this presentation were fictional

Item 10: Questions and Answers

The following issues were raised during the question and answer sessions in the morning and afternoon.

The Courts Service

Reporting of Family Law Cases

It was agreed that the outcome of family law cases can be very different depending on the judge. Mr. Fitzpatrick of the Courts Service was asked in view of the "in camera rule" how can family law cases be dealt with in a way that is open while maintaining the privacy of those involved in Family Law proceedings.

Mr. Fitzpatrick informed the Conference that the Courts Service had recently appointed Dr. Carol Coulter a family law reporter to record and produce reports on family law proceedings for distribution to the media. The appointment is on a one year pilot basis. The Project will record and create reports on family law proceedings, assess and present meaningful statistics on family law matters before the courts and will assemble and gather information regarding the family law process.

Enforcement of Maintenance Orders

The Seminar was informed that it is common practise that maintenance orders are disregarded. There is no penalty if an order is disregarded. The Gardaí say they cannot enforce maintenance orders.

Mr. McHugh said it was not a matter for the Commission but they would bring it to the attention of the Minister.

The Gardaí

Sex Offenders List

The Conference was informed that the Gardaí have a sex offender's register but there is no multi- agency approach at the moment.

The numbers on the list are low. A Sex offender has a named probation officer and in the 3-4 year period before release attends rehabilitation programmes. There is an informal liaison at the moment with other countries but there isn't a statutory approach.

The Director of Prosecutions

What information can a victim of crime expect to receive from the prosecution team?

The prosecution solicitor will work with the Garda Síochána to keep the victim fully informed of developments in relation to the prosecution.

The Office of the DPP will offer the victim, or the family of a victim who has died a pre-trial meeting. This happens in the most serious cases such as sexual or violent crime cases. In most other cases, the victim may request a meeting.

The DPP works with the Gardaí to ensure that victims are kept fully informed of developments in the prosecution of perpetrators of offences, especially those of a violent or sexual nature. At the request of the victim, the DPP will facilitate a pre-trial meeting to discuss the case with a counsel and a representative from the Solicitors' Division of the DPP's office. The purpose of the visit is to explain the trial process and answer any questions the victim has. The Director's representative will not discuss evidence with the witness in advance of a case. The DPP is committed to

ensuring that all victims will be treated with the utmost consideration and respect and to explaining wherever possible, the court process involved.

Clare Loftus advised that it was best if witnesses had this meeting as close as possible to the date of the trial.

Book of Evidence

The Book of Evidence contains:

- a statement of the charges made against the accused
- a copy of any sworn information in writing (i.e., the written complaint made by a Garda)
- a list of the witnesses the prosecution is going to call
- a statement of the evidence each of those witnesses is going to give
- a list of exhibits if there are any exhibits to be introduced at the trial.

The Book of Evidence is served within 42 days of the first appearance before the [District Court](#). However, usually the District Judge will allow extensions of time for the Book of Evidence to be prepared.

A witness or a victim can see copy of their own statement, but cannot see the whole Book of Evidence.

Victim Impact Statements

The only relevant legislation is section 5 of the Criminal Justice Act, 1993 which provides that, for certain types of serious crime, e.g. sexual and serious violent crimes, a judge **shall** take into account the effect on the victim, and **may**, where necessary, ask for evidence to be presented by the victim in person or in writing.

Sometimes a Garda will make out the report. At other times a doctor or other professional might make the report as appropriate to the case. Under section 5(3) of the Act, a court is required to hear the evidence of the victims if he or she wishes to testify. This right has been extended as a matter of discretion to the family of a deceased victim of unlawful killing also.

Under the Victims Charter the Probation Service, Courts and Garda Síochana give undertakings in relation to the preparation of victim impact statements.

A review of the Victims Charter is being progressed by the Commission for the Support of Victims of Crime.

Sentencing Policy

Clare Loftus informed the Seminar, that the traditional approach to sentencing is for the Oireachtas to lay down the maximum penalty and for a court having considered all the circumstances of the case to impose an appropriate penalty up to that maximum. This approach reflects the doctrine of the separation of powers. The Oireachtas lays down the possible punishment range but it is for the Courts to decide the punishment

to be applied to the offender taking account of the seriousness of the crime and all the circumstances of the case and of the offender.

Under the Criminal Justice Act, 1993 the Director of Public Prosecutions may, where it appears to him that a sentence imposed by a court is unduly lenient, apply to the Court of Criminal Appeal to review the sentence.

The DPP only take cases to court when they are sure that the case will have a reasonable chance of proceeding to conviction. They must be seen to be acting in good faith. The public interest would not be served if spurious cases came to light.

The Legal Aid Board (LAB)

The Legal Aid Board's relationship with their clients

The Seminar was informed that the LAB is keen to develop their customer care services and to make people aware of their services. They have not advertised in the past as they had waiting list. The waiting times for civil legal aid have been reduced considerably in the last couple of years and no applicant now waits longer than four months to see a solicitor. In most cases, the period is far less and there are categories of cases that are prioritised and in respect of which an applicant doesn't wait at all.

They have published a number of information leaflets which can be obtained at their Head Office or at local law centres. They have only been published in English but they are looking into having them published in other languages.

There was some concern at the seminar that a two tier system of access to justice was developing between those who could afford legal aid and those who could not. Mr. McDaid assured the Seminar that this was not the policy of the LAB.

Mr. McDaid also informed the Seminar that it was the LAB policy that clients shouldn't generally be accompanied to appointments. However, it was pointed out to him that some clients feel intimidated when visiting their solicitor for the first time.

Assisting victims in preparing documentation for court

The Seminar was informed that in some areas victims are assisted by the Legal Aid Board in completing forms but this was not always the case and in some areas victims relies on court staff to do so. There appears to be inconsistency from one geographical area to another.

Mr. McDaid explained that as far as the Legal Aid Board is concerned a person becomes a client of the Board when they complete an application form, have been means tested and have been given an appointment by the Board. If a person is a client of the Board it is a matter for the Board's solicitor to assist the client in filling in any paperwork.

He said he had discussions with the Courts Service regarding this matter. The Courts Service cannot give legal advice, they can only assist in the provision of the forms and sometimes assist people to complete the forms.

The Probation Service

Supervision of “Lifers”

Michael Donnellan of the Probation Service, informed the Seminar that “Lifers” must go through various programmes before they can return to the Community. There is an intensive 2-4 year process before leaving prison. Their return to the community is very structured. On return to the Community they are supervised by the Gardaí and Probation Service. If the Gardaí say the programme is not working they can be returned to Court for the judge to decide where the “Lifer” should be returned to prison or not. According to Mr. Donnellan the position regarding “Lifers” is “once a Lifer “ always a “Lifer” The level of supervision diminishes with time.

That completed the Question and Answers Session

Item 12: Concluding address from Mr. McHugh, Chairman of the Commission

Full copy of Mr. McHugh address is at Appendix 7

**Speech by the Minister of State at the Department of Justice,
Equality and Law Reform, Mr. Frank Fahey, T.D. at the
opening
of the Seminar organised by
The Commission for the Support of Victims of Crime
Tuesday, 21st November 2006**

Good morning ladies and gentlemen.

I am very pleased to be here this morning and I would like to thank the Commission for the Support of Victims of Crime for inviting me to open this Seminar. This Seminar is a great opportunity for those of you involved with the victims of crime to meet and exchange ideas. I am sure that everyone will find the day very informative and interesting.

I see from looking at the Agenda that you will have a very busy day ahead of you all. I note that there are opportunities for question and answer sessions throughout the day in which I am sure you will all participate fully. The holding of smaller break out sessions later in the day will provide an opportunity for broad reaching discussions on the issues raised during the course of this Seminar.

My colleague the Tánaiste and Minister for Justice, Equality and Law Reform Mr. Michael McDowell established the Commission in March, 2005, with a three year remit to disburse funding for victim support measures and to develop a framework for victim's services going forward into the future. In its first year of office, the Commission focused mainly on the disbursement of funding to

organisations engaged in victim support, to ensure continuity of services on the ground for victims of crime. I am aware that all of the NGOs represented here today have received funding from the Commission over the last year or two to enable you to carry on the good work done on the ground in supporting victims of crime. After all, the reason we are all here today is to help these victims. We, the state agencies, and the NGOs are all agreed that the victim should have a central place when dealing with crime. It is recognised by everyone that victims must be treated with due respect and that their rights and legitimate interests should be protected.

The Commission, under the Chairmanship of Jim McHugh has recognised that one of the primary functions that a victim support organisation can provide to a victim is their support by way of accompaniment where the victim has to attend Court. As you are aware a victim support volunteer can make all the difference to the experience victim's of the Court and its processes.

Of course, the Commission must be seen in the broader context of encouraging a partnership between state agencies, NGOs and the community and the voluntary sector. I am delighted to see that representatives from the various Criminal Justice Agencies are taking part in this Seminar to-day. Co-operation between all the groups involved can only work to the benefit of the victim. I know that all of these agencies are actively involved in addressing the needs and concerns of victims of crime. I understand that Mr. Jim McHugh, Chairperson of the Commission had the pleasure of launching two of the DPP's revised booklets entitled "The Role of

the DPP” and “Attending Court as a Witness” last Monday week and I hear that many of you were in attendance on the day. I am aware also that many of your organisations were represented at a conference organised in September by an Gardaí Síochána where they outlined their policy in relation to supporting victims of crime.

The Courts Service, as no doubt their Chief Executive, Mr. Fitzpatrick will explain are very conscious of the needs of victims of crime and are working hard to develop their support services to victims. The Probation and Welfare Service is committed to the principles of restorative justice in its work. Restorative Justice is seen as part of a broad approach which aims to put right harm done by offending behaviour – either to the individual victim, or to the wider community suffering from the effects of crime. Restorative justice does this by providing a suitable way for offender and victim to communicate, so that the offender takes responsibility for what they have done and for its effects, and agrees how they will put matters right and prevent a recurrence. Most importantly the restorative justice process gives the victim a voice in the criminal justice system and empowers victims to have a pro-active role in the outcome of cases. Mr. Donnellan will be speaking to you further on this later to-day.

I understand Mr. McDaid , Professional Liaison Officer with the Legal Aid Board, will be speaking to you later on some recent developments in the area of legal advice and possible representation for witnesses (who themselves are the victim) in rape or aggravated sexual assault cases. I note you are also to

be given a case study from the Rape Crisis Support Agency to further inform you in relation to the support of such victims.

I would like to pay tribute in particular to those of you who work on a voluntary basis. Your sense of responsibility and support deserves the highest praise and admiration from society in general and Government in particular. No Government agency could hope to provide for the level of ongoing commitment and dedication shown by so many people who voluntarily give of their time and resources to help their less fortunate fellow citizens. On behalf of myself and the Commission, I would like to thank you all for the excellent work you are doing.

In conclusion, I would like to thank the Commission Members for the progress they have made since taking up office, particularly in the area of building relationships with the Criminal Justice Agencies and the Non-governmental organisations (NGOs) involved in victim support as is evident from the groups here today. I know that they are very energetic and are carrying out a valuable role for victims.

Once again, I would like to thank the Commission for giving me the opportunity to be here today to meet with you all. I would like to wish everyone involved in supporting victims of crime every success in their work and good wishes for the future.

I would like to wish you every success with the Seminar and hope you have an enjoyable but not too busy day.

**Speech by Mr. Jim McHugh, Chairperson,
Commission for the Support of Victims of Crime
At the Seminar
On Support for the Victims of Crime
Tuesday, 21st November 2006**

Ladies and Gentlemen, Colleagues, Friends

I would like to introduce Minister Frank Fahey to you – Minister Fahey operates within the equality area of justice and from this perspective would have a great interest in the treatment of victims and protection and enforcement of their rights. Because of this interest he has kindly agreed to launch our seminar here today and I now hand you over to him.

Minister.

On behalf of the Commission I would like to thank Minister Fahey for launching our Seminar here today. He has clearly demonstrated his knowledge of the purpose of the Commission and its role in supporting the organisations here today in their endeavours to provide emotional support and practical assistance to victims of crime. The Minister has expressed his disappointment that he can not attend the full Seminar but other duties call upon his time.

As the Minister said, the Seminar will give everyone an opportunity to meet with others working in this area and a chance to share ideas and experiences and perhaps learn something new. This, I

would imagine, will be very useful, particularly for the smaller organisations amongst you, who may not come in contact with other agencies on a regular basis. The Commission appreciates that you have taken time from your very busy schedules and may have travelled considerable distances and would, therefore, like to thank you for your attendance at this Seminar here today.

The Commission is anxious to ensure that you all receive the support and assistance you require to enable you to deliver a professional service to victims of crime. Professionalism dictates that organisations have good governance and engage in best practices. The Commission sees one of its roles as ensuring the provision a high quality service across the country to victims of crime. In the interest of ensuring a coherent and effective service to crime victims it must make certain that basic conditions are met and that there is a commonality of practice across the board. As a first step towards this you will be aware that the Commission introduced new accountancy procedures this year. We did not introduce these lightly and we recognise that they result in an **additional burden for you**. However our priority has to be in ensuring maximum benefit for the victim from taxpayers' funds. We also believe that the financial procedures put in place by the Commission will provide protection for your organisation in terms of accountability concerning monies received and expended. The Commission would like to thank all the organisations for their co-operation in this matter.

In line with ensuring good governance and best practice, the Commission would like to remind the organisations of their key

responsibilities as Data Controllers and the rules that must be followed as outlined in Section 2 of the Data Protection Act. A booklet providing all of this information is available from the Data Protection Commissioner's Office or from web on www.dataprotection.ie. We have also enclosed a copy in your information pack.

The Commission would also like to take this opportunity to thank you for completing the Evaluation Forms. We have studied them carefully and your contributions were very constructive and will be very helpful to the Commission in developing a framework for the support of victims into the future. Early in 2007 we plan to produce a paper showing options for the future and we will consult with you before decisions are made on the future framework.

The process is only beginning. The Commission is anxious to continue to build relationships and to work positively with all of you engaged in the provision of services to victims of crime. We see ongoing communication and co-operation between and across all organisations and services as being essential to the provision of a successful support structure for victims of crime. To assist the Commission in maintaining regular contact with the organisations it funds, it appointed a Co-ordinator Mr. Denis O'Neill, to acts as a liaison between us all. Mr. O'Neill has met with all of you during the year and has kept the Commission informed of his visits. A further programme of visits is underway for the future.

The Seminar to-day will give you an opportunity to voice any concerns you may have, particularly in the break-out sessions this afternoon.

We are very lucky to have with us Ms Pauline Hall as our Chairperson for the day. Ms. Hall is an Associate with the Institute of Public Administration (IPA), whose areas of interest include among other things, knowledge management, and assisting individuals, teams and organisations to manage change successfully. Ms. Hall will be delighted to assist in anyway throughout the day as indeed will the Secretariat and Members of the Commission.

I would also like to introduce you to our speakers, Ms. Clare Loftus, Office of the Director of Public Prosecutions, Mr. P.J. Fitzpatrick, Chief Executive of the Courts Service, Mr. Michael Donnellon, Director of the Probation and Welfare Service, Chief Superintendent Tom Murphy, Garda Community Relations and Mr John McDaid, Professional Liaison Office with the Legal Aid Board.

We are fortunate to have these people here with us today, all of whom are highly respected in their fields of expertise. Their presence and participation here to-day shows the level of interest and commitment these services have in the victims of crime area.

Both yourselves and the Commission face many new challenges both now and as we move forward into the future. Already many organisations are seeing and addressing new issues as they arise. For example due to the number of different nationalities with different languages, now residing in Ireland, communication can be a difficulty. Some organisations have already addressed the issue in part by making their publications available in a number of foreign languages such as the recent publications from the DPP's Office.

At the end of today's Seminar I hope that we will all leave with a better understanding of the different roles held by the Commission, the State Agencies and the NGO's in relation to the provision of support to those who are victims of crime and with this better understanding a more uniform and united service can be given to those who require it.

On behalf of the Commission, I would like thank you for attending this Seminar and I hope that you will find the day both enjoyable and informative.

I will now hand you over to Ms. Pauline Hall who is our Chairperson for the remainder of the day.

End.