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Dr Shane Kilcommins
Dr Máire Leane

Executive Summary

Introduction

The primary objectives of this research project were:

- to identify the self-defined needs of victims of crime and their families,
- to ascertain how victims inform themselves of the support services available, and
- to determine the extent to which victims believe that their needs are met by the criminal justice agencies and the organisations which provide support.
- The secondary aim of this study was to gauge public and professional awareness of the availability of support services for victims of crime.

The study focuses primarily on victims who accessed the services of 44 relevant support organisations which are funded by the Commission for the Support of Victims of Crime, and does not attempt to accommodate the views of criminal justice stakeholders. The research is based on four different methodologies: questionnaire, interviews, street survey, and telephone survey.

Issues arising from the methodologies employed

Three issues arose out of the data generated by the research questionnaire responses. **Firstly**, the geographic spread of offences in this survey does not reflect the geographic spread of offences generally. This suggests that service organisations are not distributed proportionately, having regard to the geographical distribution of crime. Dublin, in particular, appears to be underrepresented in relation to the prevalence of crime. (pp. 19-20) When asked whether participants were satisfied with the proximity of the organisations to their home, a total of 80% reported that they were satisfied or very satisfied. It should be noted, however, that the respondents were all victims who had accessed services. Other victims who possibly did not have a local service and, therefore, accessed no service were excluded because of the survey design (pp. 101-102). Efforts to increase the spread of services to victims of crime should continue (p. 183).

Secondly, the majority of respondents to the questionnaire survey were women (76%). If the crimes of domestic violence and sexual offences are excluded from the analysis, the preponderance of female respondents remains very high (at 72%), indicating that men are not availing of the services offered by support organisations to the same extent as women (p. 17). Efforts should be made to encourage male victims of crime to access the services of support organisations (p. 183).

Finally, in terms of crimes experienced, the respondents in our survey are over representative of particular types of crime (domestic violence, homicide and sexual offences), reflecting the types of crime which victims are likely to seek help for, and/or the types of crime for which organised help is available, rather than the pattern of crime more generally (pp. 22-23).

Victims and An Garda Síochána

Under reporting of crime to the Gardaí continues to be an issue (pp. 30-33). **Though many of the reasons for non-reporting are beyond the direct control of the Gardaí, it is important that they ensure as far as possible that an environment is created where victims are encouraged to report crimes.**

Roughly seven out of every ten respondents indicated that they were either satisfied or very satisfied with Garda sensitivity during the statement-taking process (pp. 46-48). Of the small number of respondents who reported that they had a Family Liaison Officer assigned to their case,¹ 66% were satisfied or very satisfied, while 22% were dissatisfied or very dissatisfied, and 11% did not know whether they were satisfied or not (pp. 54-56).

There is clearly an issue regarding the provision of information from the Gardaí to victims at the initial stages of an investigation. Roughly one in every two respondents indicated that they did not receive the Pulse incident number; one in every two also indicated that they did not receive a contact for a group supporting victims, and only four in every ten respondents indicated that they received a number for the Crime

¹ Garda Family Liaison Officers are appointed to provide support to victims effected by traumatic crimes such as homicide and false imprisonment, and other serious crimes where it is deemed appropriate by the local superintendent.

Victims Helpline (pp. 35-44). In addition, more than four in every ten respondents expressed themselves as dissatisfied or very dissatisfied with the information provided to them by the Gardaí at the investigation stage (pp. 49-54). **To ensure that victim needs regarding information are met, the Gardaí should follow existing commitments set out in the *Victims Charter* (pp. 176-177).**

In relation to the referral of victim details by the Gardaí to support organisations, 25% of respondents answered that a Garda did ask for their consent to pass their details to a group supporting victims. **In order to protect the interests of victims, it is necessary that standard practices are adopted in relation to the referral of victim information to support organisations, including getting and recording the informed consent of the victim (p. 45).**

In relation to victims' satisfaction with their overall dealings with the Gardaí, 56% expressed that they were satisfied or very satisfied, 40% of respondents indicated that they were dissatisfied or very dissatisfied, and 3.5% did not know whether they were satisfied or not. Apart from dissatisfaction with the provision of information by the Gardaí in relation to the progress of a case and the lack of information on different services available, the main reasons for dissatisfaction among the interviewees in this survey related to not being taken seriously, being made to feel like the wrongdoer, experiencing a lack of empathy or understanding, and a lack of protection and security (pp. 57-64).

To ensure a high level of sensitivity and a high standard of communication in dealings with victims, new Garda recruits should receive initial training and existing members of the Gardaí should receive in-service training, which sensitizes them to the needs of victims. It is also recommended that a quota of Gardaí in all divisions should receive specialist training in dealing with vulnerable victims such as those who have experienced sexual assault or domestic violence. The number of Gay Liaison Officers should also be increased (p. 177).

The Crime Victims Helpline

The Crime Victims Helpline provides a very useful and effective service which acts as an entry point allowing victims to access not only information but also ongoing emotional support and contact details for other support organisations (pp. 76-77).

Overall there was a very high satisfaction rating with the Crime Victims Helpline (88.5% of respondents who answered the question stated that they were either very satisfied or satisfied with the Helpline). Aspects of the Helpline service which respondents appreciated included promptness in answering the phone and the helpfulness and understanding displayed by staff (pp. 77-79).

It is also clear, however, that victims of crime are not systematically receiving information on the Crime Victims Helpline. The majority of relevant respondents (61%) in the questionnaire survey had, for example, accessed the services of support organisations other than through the Helpline (pp 68-73). There was also a low level of awareness among key professional/community workers about the Helpline. (pp. 69-70). This lack of awareness also extends to members of the public. Even when prompted, one in three street survey respondents was unaware of the Helpline (p. 81). **It is vital that awareness of the Crime Victims Helpline is increased among members of the public, crime victims, key professionals and staff of relevant community organisations (p. 174).**

Support Organisations

Over 90% of respondents to the victim survey gave a rating of satisfied or very satisfied in relation to the overall ability of support organisations to meet their needs (p. 102). The most common services availed of by respondents who used victim support service organisations were information, counselling and emotional support. Many of those surveyed used multiple services of a support organisation (pp. 94-95). Participants were generally very happy with the speed of response provided by support organisations with over 93% reporting a rating of satisfied or very satisfied (pp. 98-99). Over three-quarters of respondents reported good levels of satisfaction

with the helplines provided by organisations suggesting that these generally run satisfactorily (p. 101).

The findings from this research illustrate that there are significant problems in relation to awareness of victim support organisations. Key referral points for victims such as the Gardaí, relevant professionals and community organisation workers and the Crime Victims Helpline do not appear to be fully effective sources of information for victims (p. 85-92). The professional/community awareness telephone survey reinforces this point with significant numbers of respondents being unaware of many of the main victims' organisations and the majority identifying the need to improve awareness regarding support services (p. 91). The data from the street survey also show that, even when prompted, many organisations had a low recognition rate indicating a poor level of awareness amongst the general public. (pp. 88-89).

Cooperation between the Crime Victims Helpline and the organisations it refers victims to should be strengthened through the development of a more formal cooperation and referral system, which should include specific agreements and protocols between organisations on issues such as the sharing of information, and how referrals are made and followed up (p. 182). It is also important to improve the awareness levels among the general public and relevant community stakeholders of the activities of victim support organisations in local areas and the services which they can provide to victims of crime. The Gardaí are well-placed to give information to victims on available support organisations and it would be most important that they deliver fully on their *Victims Charter* commitments in this regard. (pp. 176-177).

Concern was expressed at the multiplicity of organisations providing assistance to victims of crime, which had the potential to cause confusion among professionals, community organisations, victims and members of the public. Some professionals/community workers questioned whether less serious crimes are well-served by the current system (pp. 105-6).

The Courts and Compensation

In terms of progressing complaints and incidents through the criminal process, 55% of relevant respondents declared themselves very dissatisfied or dissatisfied with their overall court experience. These ratings of dissatisfaction related to delay; communication (which includes downgrading of charges or refusal to prosecute); architecture and seating in court; the sensitivity of legal professionals; a lack of information about and understanding of the legal system; and the handling of victim impact statements (pp.114-115)

From the victim's point of view it is important that delays and adjournments in court cases are minimised as far as possible. The proportions of victims who were satisfied or very satisfied with information on court procedures was broadly similar for court officials (59%), Gardaí (61%) and solicitors (64%). The satisfaction with information from support groups was much higher at 93% (pp. 115-122).

A significant minority of respondents in this study expressed dissatisfaction with the office of the DPP. At 38% this was broadly similar to the levels of dissatisfaction with information from court officials (38%), Gardaí (36%) and solicitors (32%). Reasons for dissatisfaction with the office of the DPP included downgrading charges, no presence at the sentencing hearing, not giving reasons for a decision not to prosecute, and poor standards of communication with victims (pp. 122-126).

Many participants in the research identified problems caused by the physical environment of court rooms and the organisation of court hearings. Victims referred to difficulties such as overcrowded courtrooms, an inability to hear the proceedings, a lack of seating, the lack of access to separate waiting areas, intimidation and long periods of time waiting around the courtroom for cases to be heard (pp. 127-143). Only 27% of relevant respondents reported access to a separate waiting room before the trial, with 73% reporting no such access (p. 127). More than half of the respondents (53%) who answered the question indicated that they were not satisfied with the reserved seating or space provided for victims and their family/friends in the court room (p. 128).

Respondents were also asked to rate their satisfaction with the experience of being called as a witness in court. Of the relevant responses, 46.5 % indicated that they were

dissatisfied or very dissatisfied, 46.5% indicated that they were satisfied or very satisfied, and 7% did not know whether they were satisfied or not (p. 138). Reasons for this dissatisfaction included the seeming chaos of the court process, insensitive remarks by judges, the intrusiveness of the media, the perception of bias, and the fear of having to give testimony (pp. 128-143).

Participants in the research also identified a lack of understanding of the law, the legal system or indeed the legal basis or significance of a decision within the trial, as a concern (pp. 145-150). **To ensure that they have access to knowledge of the legal and criminal justice system in an accessible form it is recommended that the variety of handbooks and materials that have been produced by government bodies, criminal justice agencies and voluntary organisations should be assembled on a single website, like a virtual library. Details of the website should be disseminated in a manner designed to reach as many victims of crime as possible (p. 189).**

Of the respondents who made a victim impact statement and rated their satisfaction with the process, 75% were satisfied or very satisfied, 22.5% were dissatisfied or very dissatisfied, and 2.5% did not know whether they were satisfied or not (pp. 154-155). A key theme brought out in interviews in relation to the victim impact statement was the sense of closure that the process could provide victims. Many respondents were dissatisfied with their inability to make a victim impact statement in their cases. The discretionary nature of the victim impact statement for homicide offences (which will change with the commencement of the Criminal Procedure Act, 2010) troubled a number of participants in the research. **Attention also needs to be given to the question of what may be contained within the victim impact statement. Victims require clear and standardised guidance on what can be contained within the statement, and this should be made available to them before they commence the writing-up process (pp. 150-160).**

This study also shows that only 2% of respondents indicated that they were advised on any procedure for claiming witness expenses if they were summoned as a witness in a case (pp. 164-166). **Information on the systems available for the**

reimbursement of court expenses should be provided by the Gardaí on a systematic basis to victims of crime, as provided in the *Victims Charter*. The reimbursement for the cost of attendance at court should be extended to cover relatives who are not witnesses, at least in homicide cases. Overall the findings also show that the vast majority of respondents to the survey had little experience in receiving compensation either through the Criminal Injuries Compensation Tribunal or under a Section 6 compensation order (pp. 160-163).

Information relating to parole, prison release dates, and any compassionate releases is provided by the Irish Prison Service where the victim indicates a wish to receive this information. **However, victims of serious crimes need to be informed of the possibility of requesting such information from the Prison Service Victim Liaison Officer. (pp. 166-167, 187).**

Chapter 1: Introduction

1.1 Introduction

In the eighteenth century the principal investigators and the key decision-makers in the prosecution process were the victims of crime. They could elect not to invoke the law and let the criminal act go unpunished; they could engage in personal settlement or private retribution; or, they could prosecute but shape the severity of the criminal charge. Conflicts therefore were the property of the parties personally affected. If victims did proceed with a prosecution, it was their energy, for the most part, that carried the case through the various stages. Victims engaged in fact-finding, gathered witnesses, prepared cases, presented evidence in court, and bore the costs involved (Vaughan and Kilcommins 2008: 46-47). In many instances the actions of victims were seen as vengeful, capricious and open to intimidation and blackmail 'resulting in the shameful perversion of the criminal trial for private ends' (quoted in Rock 2004: 338).

In contrast, the story of criminal justice for much of the nineteenth and twentieth centuries might best be told as the rise of institutionalised justice whereby the State gradually took over investigative and prosecutorial² functions. This entailed the steady development of an 'equality of arms' framework, designed to offset the power vested in an increasingly powerful State and offer some protections and safeguards to those accused of crime. Justice increasingly became institutionalised, centralised, and rule-bound, and decreasingly dependent on the victim's energy, needs, experiences or perspective as regards the alleged crime.

Within such a depersonalised, bureaucratised system, the victim was displaced, confined largely to the bit-part role of reporting crime and of adducing evidence in court as a witness, if needed (Rock, 2004: 331-354). The victim's space for negotiation and participation in pursuing his or her own interests was thus dismantled by an increasing focus on the roles of the State and the accused. From being a cornerstone in the regulation of relations concerning the conflict, victims increasingly

² In Ireland, for example, crown solicitors were appointed to prosecute criminal cases in each of the circuits in 1801 and by the mid nineteenth century sessional crown solicitors were appointed in each of the counties.

found their individual experiences (such a vital currency in the pursuit of justice in the pre-modern era) assimilated into the public interest. This public interest was determined by the State's decision whether or not to prosecute and the court's decision on the merits of the case. The individual experience of the victim was increasingly viewed as invalid knowledge given its partiality, subjectivity, emotiveness and unconstrained dimensions, all of which were filtered out by the operations of a justice system. This approach is now, however, beginning to strain. The justice system is, as a result, partially being reconstructed in Ireland as it demonstrates, among other things, an increased sensitivity to a range of standpoints, including that of the victim.

This chapter will provide a brief overview of key developments in European and international law, which focus on the needs of victims in relation to the criminal justice process. It will then provide a brief review of the challenges which victims continue to encounter in the Irish criminal justice process. Recent State responses to some of these challenges will then be mentioned. In conclusion, the origins and terms of reference of the current research will be outlined.

1.2 Recognition of the Rights of Victims: The European & International Context

A number of key developments in the European Union have promoted recognition of the needs of victims within criminal justice systems. In 1999, the European Commission adopted a communication entitled *Crime Victims in the European Union – standards and actions*. In March 2001, the Council adopted a *Framework Decision on the Standing of Victims in Criminal Proceedings*, which provides for minimum rights (including the right to be heard and furnish evidence, access to relevant information, the opportunity to participate, and the right to compensation) to be ensured in all the territories of the EU. The European Commission also issued a proposal for a *Council Directive on Compensation to Crime Victims* to reduce the disparities in the compensation schemes of various member States. The Council adopted this Directive on the 29th of April, 2004. The Directive ensures that compensation is easily accessible in practice regardless of where in the EU a person becomes the victim of a crime. Similarly the Committee of Ministers of the Council of Europe adopted Recommendation Rec (2006)8 on assistance to victims of crime on the 14th June, 2006. It sets out various provisions and recommends that member

states be guided by them in their domestic legislation. These provisions relate to the role of public services and victim support services, the provision of information to victims, the right to effective access to other remedies, state compensation, insurance, protection of physical and psychological integrity, confidentiality, and training. There are also other pieces of EU law facilitating the provision of compensation to crime victims from the offender. The Regulation on *Jurisdiction and Enforcement of Judgements in Civil and Commercial Matters*, for example, provides that the victim may sue the offender for damages in the same court that deals with the criminal proceedings, if this is possible under national law. The same Regulation also lays down how a crime victim can enforce a judgment for damages against the offender in another member State. Internationally, the General Assembly of the United Nations adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* in 1985. The document is not legally binding but does set out the minimum standards for the treatment of victims of crime. It has been described as providing “a benchmark for victim-friendly legislation and policies.” (Van Dijk 2005: 202).

1.3 The Rights of Victims in Ireland: Developments and Continuing Difficulties

Victims are becoming more visible in the justice system. In Ireland, for example, the Victim’s Charter marked an important development by firmly establishing that throughout the system victims have needs and these needs have to be addressed. This Charter was produced by the Department of Justice, Equality and Law Reform in September 1999, reflecting the ‘commitment to giving victims of crime a central place in the criminal justice system.’ As such it amalgamates for the first time ‘all the elements of the criminal justice system from the victim’s perspective’ (1999: 3). In addition the Department, and since 2005 the Commission for the Support of Victims of Crime, have been funding voluntary sector organisations to support and assist victims of crime.

More recently, the Office of the Director of Public Prosecutions has published four documents which have implications for victims’ experiences of criminal justice organisations: *The Role of the D.P.P; Attending Court as a Witness; Statement of General Guidelines for Prosecutors*; and, *Prosecution Policy on the Giving of Reasons for Decisions* (Office of the Director of Public Prosecutions, 2006: para

2.12; Rogan, 2006b: 151-155). The Courts Service has also issued a number of publications including a guide to going to court for child and young witnesses as well as parents and guardians. The Gardaí have also given a number of commitments to victims of crime including an assurance regarding the provision of information on the progress of a case and on the prosecution process, as set out in its Charter for Victims of Crime.

The Irish courts,³ legislature and politicians are also beginning to take more account of the interests of victims of crime and there has been an expansion in service (welfare) and procedural (participatory) rights. This 'mainstreaming of victim-centred justice' (Goodey, 2005: 35) in Ireland is evident in the following: the employment of intermediaries, live television links and video testimony for witnesses and victims of crime; the abolition of the mandatory requirement on judges to warn juries of the dangers of convicting on the basis of uncorroborated or unsworn victim/witness testimony; the removal of wigs and gowns when conducting an examination-in-chief or cross-examination of a child witnesses; restrictions on the admissibility of the prior sexual history of victims; the protection of the identity of victims in sexual offence cases; separate legal representation for rape victims where an application is made to admit previous sexual history; the reduction of victim alienation through the use of victim impact statements; the ability of the DPP to appeal unduly lenient sentences; and provisions for the payment of compensation to victims in respect of any personal injury or loss caused by a crime.

In more recent years the system has also witnessed a far less rigid approach to the circumstances in which the spouse of an accused is competent to testify for the prosecution in criminal proceedings; a greater awareness of the reasons why a complainant may not have made a complaint of a sexual offence at first reasonable opportunity but still avail of the doctrine of recent complaint; a relaxation of the exclusionary rules on opinion evidence in certain circumstances; the introduction of a provision which makes it clear that the absence of resistance by a victim in a rape case does not equate with consent; and a less prejudiced approach to the determination of certain witnesses' competence to testify at the trial of an accused. (Kilcommins et al.,

³ See, for example, *DPP v Cash* [2008] ILRM 443.

2004: 150-153; Rogan, 2006a: 202-208; Fennell 2010:250-260; Vaughan and Kilcommins forthcoming).

The needs of crime victims are also addressed by a wide variety of victims' organisations. These operate both at the national and local level. Whilst a significant proportion are specialised in nature dealing with specific types of victim or services, there are also some key national groups. For example, a Crime Victims Helpline, which represents a proactive initiative to support crime victims, was launched in 2005. It is funded by the Commission for the Support of Victims of Crime and is a national helpline offering support to victims of crime in Ireland. Furthermore, as far back as 1974, a Criminal Injuries Compensation Tribunal was established by the then Government to administer a scheme designed to alleviate some of the financial difficulties experienced by victims of violent crime and their families. The purpose of this scheme was to compensate individuals for losses arising from personal injuries as a result of violent crime or acquired while assisting another individual in preventing a crime or saving a human life. Individuals eligible to apply for compensation under this scheme include the injured person(s), the immediate family of the injured person(s) if the victim has died as a result of the crime, or those responsible for looking after the injured party.

1.4. Recent Developments

The Minister for Justice, Equality and Law Reform, Mr. Dermot Ahern, T. D., announced a Justice for Victims Initiative in June 2008. This includes new legislative proposals such as:

- Reform of the victim impact statement mechanism.
- New mechanisms to deal with acquittals when compelling evidence emerges after the acquittal, or the acquittal arises from an error of law made by a Judge.
- Provision for new prosecutions where there is evidence that the original acquittal was tainted by interference with the trial process.
- Measures to restrict unjustified imputations at trial against the character of a deceased or incapacitated victim or witness.

At the time of writing a legislative proposal covering these points had passed all stages in the Seanad and was being debated in the Dáil. Along with these legislative proposals, a number of administrative moves to increase the level of support to victims of crime were planned, including:

- The establishment of a new executive office of the Department of Justice to support crime victims (established September, 2008).
- A reconstituted Commission for the Support of Victims of Crime with an expanded role (reconstituted September, 2008).
- A Victims of Crime Consultative Forum, to afford a channel of communications to the Commission and the policy making process by victim groups funded by it (first met January, 2009).

The Irish criminal process is thus gradually becoming more effective in accommodating the previously excluded voices of victims of crime. In the last three decades the status of the crime victim has gradually altered from being perceived as a ‘non-entity’ or ‘hidden casualty’ to a stakeholder whose interests and opinions matter (Christie, 1977: 1-15; O’Hara, 2005: 229-247). Crime victims are being anchored once again as key constituents in the criminal justice landscape and criminal justice agencies have to rework their relationships with them.

Notwithstanding the increased recognition of victims in the criminal process, it remains the case, however, that many of the needs of victims continue to be unmet. A lack of knowledge among criminal justice agencies and actors about the needs of victims of crime is a key issue. For example, a study by Anthony McGrath, who completed a Ph.D. at the Centre for Criminal Justice and Human Rights at UCC, showed that 51% of members of the legal profession were unfamiliar with the provisions of the Victims Charter (2009). There are also many reported difficulties with the provision of information to victims. The European Commission suggested in 2004, for example, that the provision of information was not secured by ‘simply issuing information booklets or setting up websites, without the authorities actively providing individual victims with information’ (2004: 5). The Irish Council for Civil Liberties (2008: 21) takes a similar position noting the ‘lack of initiation on the part of the State actors in their role as information-providers’ to victims of crime.

Similarly the SAVI (Sexual Abuse and Violence in Ireland) Report (2002) identified barriers for accessing law enforcement, medical and therapeutic services for those abused and their families. Lack of information from the Gardaí and medical personnel was the main source of dissatisfaction with the services provided. Specifically, Gardaí were seen to provide inadequate explanations of procedures being undertaken, and medical personnel were seen as needing to provide more information regarding other available services and options. In relation to counselling services, time waiting to get an appointment was the major source of dissatisfaction. There also remains a problem with the under-reporting of crime, as is more fully documented in chapter 2 of this study. Other issues that cause concern to victims include harassment, intimidation by the process (Kelleher et al 1999); attrition rates (Leane et al 2001; Hanly et al 2009; O'Mahony 2009); the lack of private areas in courts; difficulties with procedural rules and legal definitions (e.g. consent in rape cases) (Bacik et al 1998); delays in the system (Hanly et al 2009); the lack of opportunity to participate fully in the criminal process; and inadequate support services.⁴

1.5 This Research Project

The Commission for the Support of Victims of Crime was established in March 2005 to devise an appropriate support framework for victims of crime into the future and to disburse funding for victim support and assistance measures. It presented its Framework Document Recommendations for Future Structures and Services for Victims of Crime to the Minister for Justice, Equality and Law Reform in June 2008 and one of its recommendations was that further research should be undertaken which focused directly on victims themselves rather than the organisations and services that supported them.

The Commission has already commissioned research work on groups that work with and support victims of crime. In December 2007, Bacik *et al* produced a factual report on the services currently provided in Ireland by non-governmental organisations and other groups to victims of crime. An additional objective was to provide the Commission with a selective comparative review and analysis of supports available in

⁴ See also Mulkerrins (2003), Deane (2007), Irish Council for Civil Liberties (2008) and Cooper (2008).

other jurisdictions which might usefully be applied in Ireland. The main finding was that while there are more and more organisations/services supporting victims, the perception of the victims groups was that little had been done for victims and victims' rights.

As part of a follow up study, the Commission published a request for tender in April 2008 inviting interested parties to carry out research and produce a short factual report on the views of crime victims.⁵ It specifically sought information on:

- The needs of victims of crime and their families from the victims' points of view
- How victims inform themselves of the support services available
- The extent to which victims of crime seek support from the services available
- The extent to which in the opinion of the victim those needs are met by the criminal justice agencies and the organisations which provide support to victims of crime

This Report represents the product of that research, carried out by the authors as the successful tenderers, and commissioned by the Commission for the Support of Victims of Crime. As dictated by the terms of the study, this research foregrounds the perspectives of victims and their assessments of how well the criminal justice system and support organisations meet their needs.

The views of other agencies involved in the criminal justice system such the Gardaí, DPP, Courts Service, or the judiciary were not the focus of this work, which deals exclusively with the perspectives of victims. The study is thus anchored in the standpoint of victims only and does not attempt to accommodate or synthesise the views of other stakeholders. The DPP, for example, may suggest that the Office needs to be circumspect about the communication of decisions (particularly having regard to the danger of casting doubt on the presumption of innocence of persons who are merely suspected of committing crime, and undermining the reputation and good

⁵ The Bacik *et al* study for the Commission for the Support of Victims of Crime had focused on support organisations; this study focuses on the clients of the support organisations.

names of witnesses);⁶ and court staff may argue that, in the interests of fairness, they need to adopt a neutral stance between victims and those accused of crime. However, in this study none of the statutory players in the criminal justice system have been consulted.

It should also be noted that this study does not purport to represent the views of all victims of crime given that it focuses exclusively on victims who accessed the services of support organisations. Moreover, the offences that victims experienced in this study do not mirror the spread of criminal offences more generally. The respondents in our survey are over-representative of particular types of crime (domestic violence, for example) reflecting the type of crimes which victims are likely to seek help for, and/or the type of crimes for which organised help is available, rather than the pattern of crime more generally.

The Report commences with a chapter outlining the methodology and research design which underpinned the study. This is followed by specific chapters, which present findings relating to the victims' experiences of and views on various aspects of criminal justice, namely An Garda Síochána, the Crime Victims Helpline, organisations supporting victims of crime, and Court Procedures. The report concludes with a chapter on findings and recommendations.

⁶ The Office of the Director of Public Prosecutions produced a discussion paper on prosecution policy on the giving of reasons for decisions in 2008.

Chapter 2: Methodology

2.0 Introduction

The core aim of this research was to provide an empirical account of the self-defined needs of victims of crime and their families. In particular the study sought to provide insights into how victims inform themselves about support services, the extent to which they use such services and their assessment of how adequately criminal justice agencies and support organisations meet their needs. A secondary aim of the research was to gauge public and professional awareness of the availability of support services for victims of crime.

Conducting research with vulnerable groups such as victims of crime is challenging. It raises a range of ethical issues and, in the case of this piece of research, it involved continuous accommodation and modification of the research design. The privacy and welfare of victims was a paramount concern and the requirement of victim confidentiality meant that access to victims could only be negotiated through victim support organisations. This posed serious methodological and logistical challenges. Support services for victims of crime are for the most part provided by voluntary organisations, which are often entirely reliant on volunteers. The administrative and time burdens which co-operation with the research process entailed proved significant for some of the organisations. These logistical and ethical limitations impacted on the design of the research and will be discussed in detail in the following sections.

The research design had four components; a postal survey of approximately 1,050 victims of crime who had availed of a support service, in-depth interviews with 20 of these victims, a survey of 50 members of the public to determine awareness of support services for victims of crime and a telephone survey of 23 key community-based professionals and employees of community organisations, likely to be in contact with crime victims, again to determine awareness of support services for victims of crime.

This chapter will discuss the methodological challenges encountered in the study, will describe the research design and data collection tools, and will outline the sampling strategy and response rates.

2.1 Researching Victim Experiences and Needs

The Postal Questionnaire

The primary objective of this research was to identify the self-defined needs of victims of crime and their experiences of support services and criminal justice organisations. A self-completion postal questionnaire for victims was selected as the primary data collection tool. Postal questionnaires provide a relatively inexpensive means of collecting data from a large group over a wide geographical area and given the budgetary constraints in this project provided a viable research tool. Disadvantages of the postal questionnaire relate to the demands it puts on respondents in terms of literacy and the potential this creates for bias in terms of who completes the survey. A further disadvantage is the lack of opportunity to clarify issues, which may arise for the respondent during completion. Notwithstanding these potential disadvantages, the postal questionnaire was selected as the most viable tool for reaching the target population of victims of crime.

The development of the questionnaire was guided primarily by the research objectives. As such it sought information on respondents' experiences and assessment of criminal justice agencies and support organisations. Care was taken in the ordering of questions to ensure that respondents were facilitated in relating their experiences in a sequential way, which corresponded with the actual stages of the victim journey from the experience of crime to the processing of the crime through the criminal justice system and the eliciting of support from organisations. The questionnaire contained seven domain areas: General Information, An Garda Síochána, Crime Victims Helpline, Support Organisations, Court Procedures, Counselling & Compensation, and Suggestions for Service Improvement. (See Appendix 1.) As far as was possible, closed questions with multiple answer options were used to facilitate ease of completion. In total there were 56 questions to answer and it took between 10

and 15 minutes to complete. The questionnaire was piloted in November 2008 with 50 respondents⁷ and no adjustments were made.

2.1.1 Identification of Target Population and Sample and Distribution of Questionnaires

Identifying and accessing the target population (i.e. victims who had used one of the 44 relevant support organisations funded by the Commission for the Support of Victims of Crime)⁸ posed a number of practical, methodological and ethical challenges. To be representative of the total population of victims who used support organisations, the sample would have to be drawn systematically from the entire population of victims who had used support organisations for the period 2005-2008. To this end relevant support organisations were asked to supply an anonymous profile of all service users for the relevant period, outlining, sex, age, nationality, and type of crime experienced. However the majority of relevant organisations were not in a position to provide a full profile of client numbers and details as requested. The support organisations identified a number of ethical and practical factors, which prohibited their provision of accurate service user profiles. A minority of organisations kept no client records, as they believed that storage of personal data was in breach of the Data Protection Acts 1988-2003. Others declined to furnish client profiles because they felt it was ethically inappropriate for them to do so. Some organisations, particularly those who did a lot of telephone helpline work, recorded numbers of phone contacts but were not in a position to identify client numbers as many calls could be made by the same client. Lack of time or personnel prohibited other organisations from compiling profiles on all clients in the timeframe requested by the researchers but they offered estimates of client numbers. A full profile of the extent and nature of clients was provided by only 9 of the 44 support organisations. For a further 25 organisations it was possible to derive an estimate of client numbers

⁷ The pilot questionnaires were distributed by the Crime Victims Helpline to 50 of its service users and as no changes were subsequently made to the questionnaire, the pilot questionnaire responses were included as data.

⁸ The Commission for the Support of Victims of Crime provided the research team with a list of 48 support organisations to whom it provides funding. However for ethical reasons it was decided not to include three organisations that provide services in relation to children who are crime victims. These were Barnardos, CARI (Children at Risk in Ireland) and the Irish Centre for Parentally Abducted Children. A fourth organisation, Open Door Network, was also excluded as its primary role is in relation to supporting other organisations in their aim of providing accessible safe spaces for women and children experiencing violence or abuse.

based on estimates provided by the organisations and the information on client numbers provided in the reports of the Commission for the Support of Victims of Crime between 2005 and 2007. It was not possible to provide an estimate of client numbers for 10 organisations. As it proved impossible to accurately determine the extent and nature of the target client population, a comprehensive sampling frame could not be identified. In consequence it was not possible to draw a representative sample of clients to whom questionnaires could be administered and the results presented here cannot be generalized to the entire body of crime victims.

Based on the calculation of client numbers described above it was estimated that the target population of victims who had availed of support services in the period 2005 – 2008 was approximately 7,764. It is important to note that these figures relate only to victims who have engaged with support organisations. The number of victims experiencing crime in any year would be significantly higher. The Central Statistics Office, for example, indicated that 4.6% (150,700) of the population over 18 in 2006 were victims of personal crime (theft with violence, theft, or physical assault, but excluding domestic and sexual assaults). It also indicated that 11.3% of all households⁹ in Ireland were affected by property crimes in 2006 (burglary, theft of vehicle, theft from vehicle, and vandalism (CSO 2007). Similarly, the Garda Public Attitude Survey of 2008 pointed out that 9.2% of respondents that they surveyed¹⁰ indicated that they or a member of their household had been a victim of crime in 2007 (Garda Research Unit 2008: 8)

It was decided to circulate 1,000 questionnaires to a sample of the 7,764 victims who availed of support services.¹¹ The quota of questionnaires assigned to each organisation was proportionate to the percentage of clients it had relative to the overall client number. Table 2.1 below details the number of questionnaires which was sent to each organisation for distribution to clients. The questionnaires were sent to the organisations in January 2009 and a return date of the middle of April was specified.

⁹ The number of relevant households was 171,059, that is 11.3% of the total of 1,513,800.

¹⁰ The sample involved in-home interviews with 10,000 respondents selected on the basis of quotas in each Garda division.

¹¹ 50 questionnaires had already been sent to the Crime Victims Helpline during the pilot phase of the study. As such the overall number of questionnaires distributed to support organisations was 1,050.

The sample of victims to whom the questionnaires were sent was not identified using a random selection method. A random sample was not possible, as the research team were obliged to rely on support organisation personnel to distribute the questionnaires. For legitimate reasons of confidentiality, the support organisations could not release client names and contact details to the research team. Thus questionnaires were supplied to support organisations, which then selected the clients to whom they would be sent. In this method of sample selection it is not possible to eliminate human bias and to guarantee that all members of the potential research population have an equal chance of being included in the study. Indeed in some organisations the staff distributing the questionnaires believed it was necessary — for reasons of client welfare — to exclude some clients from the survey. Many organisations also took the decision to phone clients in advance of distribution of the questionnaire to ensure that its receipt would not cause them distress or put them in any danger. As such the task of questionnaire distribution raised a number of ethical dilemmas for organisations and represented an onerous administrative and logistical task for the support organisations.

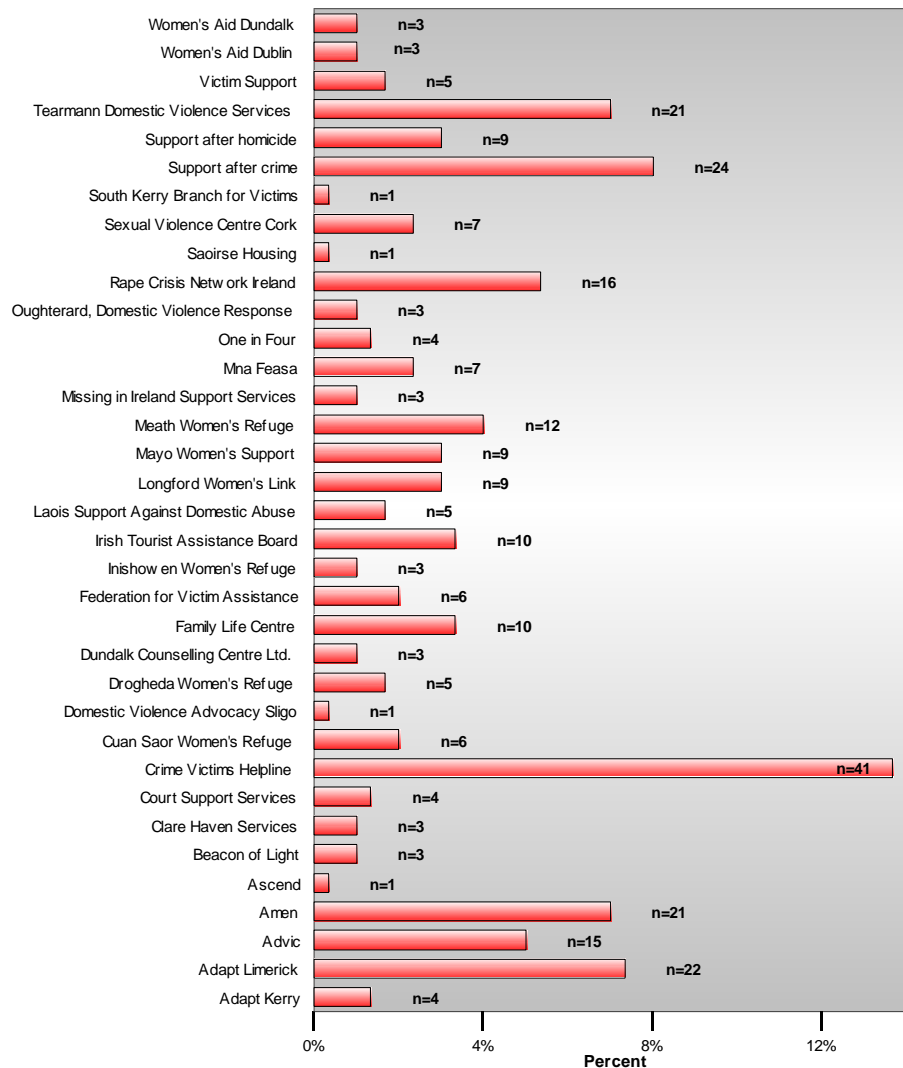
Table 2.1: Number of Questionnaires Distributed to Each Group

Support Organisation	Number of Questionnaires Sent to Organisation
Adapt (Kerry)	45
Adapt (Limerick)	30
AdVic	35
Amen	40
Ascend (North Tipperary)	20
Beacon of Light Counselling Centre	10
Carlow Women's Aid	10
Clare Haven Services	10
Court Support Services	15
Crime Victims Helpline	100
Cuan Saor Women's Refuge Clonmel	20
Domestic Violence Advocacy Sligo	20
Domestic Violence Response Ltd Oughterard	6
Donegal Domestic Violence Service	20
Drogheda Women's Refuge	15
Dundalk Counselling Service	6

Family Life Centre Boyle	20
Federation for Victim Assistance	50
Inishowen Women's Refuge	10
Irish Tourist Assistance Service	53
Laois Support Against Domestic Abuse	5
Letterkenny Women's Centre	Did not participate
Living Life Voluntary	1
Longford Women's Link	50
Mayo Women's Support Service	15
Missing in Ireland Support Services	5
Meath Women's Refuge	15
Mná Feasa	25
Muintir na Tire	5
Offaly Domestic Violence Support Service	5
One in Four	15
Rape Crisis Network	100
Ruhama	5
Saoirse Housing	25
Sexual Violence Centre Cork	15
South Kerry Branch for Victims	3
Support After Crime	60
Support After Homicide	15
Tearmann Housing Association	45
You Are Not Alone (Mallow)	25
Westmeath Support / Domestic Abuse	5
Victim Support	36
Women's Aid Dublin	25
Women's Aid Dundalk	15
Total	1,050

Despite strenuous efforts by the research team to encourage the distribution of all questionnaires, some organisations did not feel they were in a position to do so. Due to these logistical difficulties it is not possible to state definitively how many of the 1,050 questionnaires sent to the support organisations were subsequently sent to service users. In consequence a response rate cannot be definitively calculated. As figure 2.1 below indicates, 303 questionnaires were returned and 35 out of a potential 44 organisations were represented among the respondents. The data from the questionnaires was analysed using SPSS and descriptive statistics were produced.

Fig 2.1: Breakdown of Survey Participants by Support Organisation (Victim Postal Survey)



Despite being unable to identify an accurate sampling frame and to draw a random sample, organisations were requested, as far as possible, to stratify the distribution of the questionnaires on the basis of gender, age, race and type of crime experienced.

The details of respondent characteristics provided in the next section indicate that a wide range of victims was accessed.

Postal Questionnaire Respondents: Demographic Profile

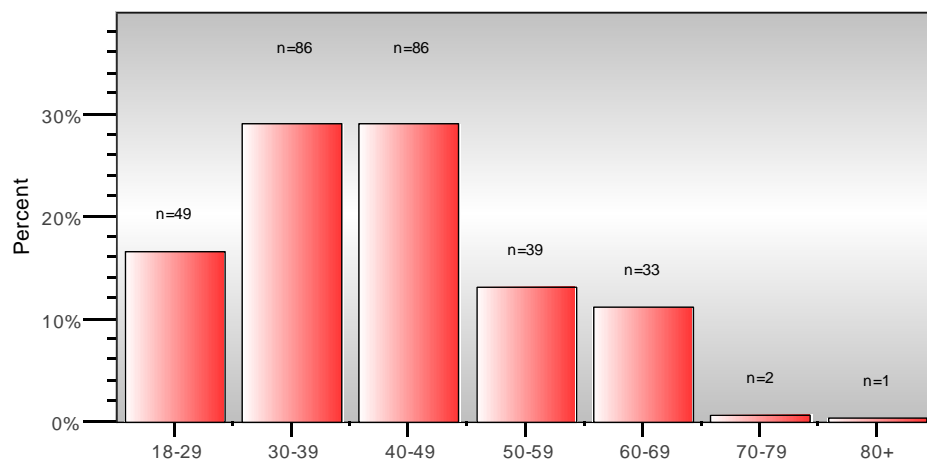
The majority of respondents to the questionnaire survey were women (75.6 %). If we exclude the crimes of domestic violence and sexual offences from the analysis, female respondents remain in the majority (at 72%). This predominance of women merits comment given that the *Garda Public Attitude Survey* (2008) indicated that in 2007 more men (57.1%) than women (42.9%) were victims of crime (Garda Research Unit 2008: 8). Similarly the Central Statistics Office noted in 2006 that there were 91,800 (5.7%) male victims of personal crime (theft with violence, theft, or physical assault), compared with 58,900 females (3.6%).¹² The significantly higher proportion of women contributing to this survey may be explained in part by the high prevalence of returns from organisations catering for victims of sexual assault and domestic violence, crimes that are more frequently experienced by female victims.¹³ However, even when these offences are excluded from our analysis, the preponderance of female respondents remains very high, indicating that men are not availing of the services offered by support organisations to the same extent as women.

The age of respondents ranged across the full spectrum of adulthood (18 – 80+). As figure 2.2 indicates, the greatest number of responses came from the age ranges 30-39 and 40-49, both producing a cohort of 29.1 %. The next largest group was 18-29 (16.6 %) and the smallest response with just one person responding was in the 80+ range.

¹² It is important to note that the CSO survey did not include domestic violence or sexual offences in the personal crime category.

¹³ Irish crime figures for 2006 indicate that females accounted for 74.4% of victims of sexual assault (Central Statistics Office, 2008:50) while research from the National Crime Council and the Economic and Social Research Institute shows that 15% of women, compared to 6 % of men, have experienced severely abusive behaviour from an intimate partner at some point in their lives (Watson, 2005:24).

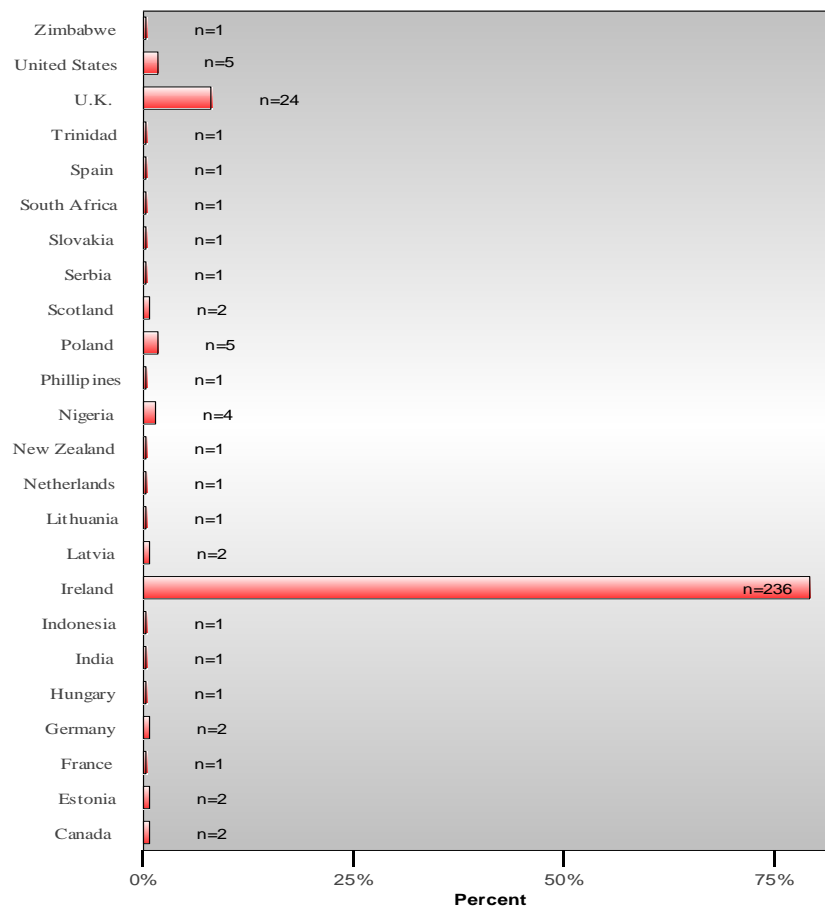
Fig 2.2: Age of Respondents (Victim Postal Survey)



These responses do not appear to significantly deviate from those in the Garda Public Attitudes Survey 2008 in which the breakdown of age in relation to victims in 2007 was as follows: 16.9 % between 18-24 years, 49.7 % between 25-44 years, 24.3 % between 45- 64 years and 9 % over 65.

In terms of nationality, the vast majority of respondents were Irish (77.9 %) with the next largest group being UK nationals (7.9 %) and USA nationals (1.7 %). As figure 2.3 outlines, 24 different nationalities were represented among respondents.

Fig 2.3: Nationality of Respondents (Victim Postal Survey)

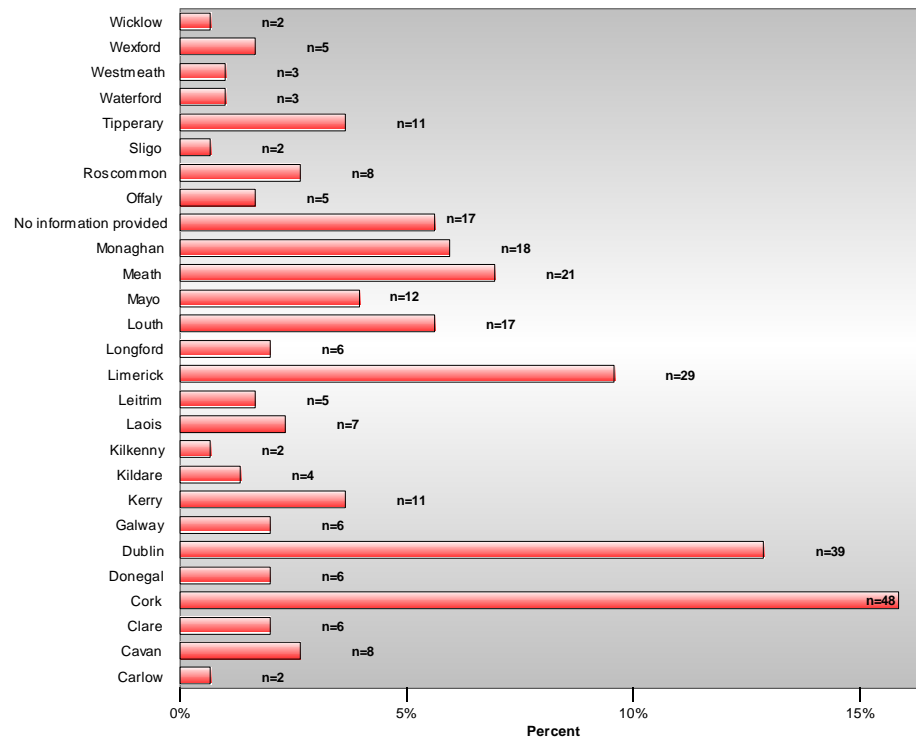


Respondents were spread across the full range of geographical locations as outlined in figure 2.4. The greatest numbers of respondents were from Cork (15.8 %), Dublin (12.9 %) and Limerick (9.6 %) while Carlow, Kilkenny, Sligo and Wicklow produced the lowest number of respondents (0.7 %). The geographic spread of offences in this survey does not reflect the geographical spread of offences more generally. This suggests that service organisations are not distributed proportionately having regard to the geographical distribution of crime. Dublin, in particular, appears to be underrepresented in relation to the prevalence of crime. For example, the CSO Quarterly National Household survey in 2006 revealed that Dublin was the region with the highest prevalence of both personal and property crime. In that year, 18% of Dublin households were affected by property crime (household burglary, theft of

vehicle, theft from vehicle, and vandalism), but only 7.7% of households in the South-East and South-West were similarly affected. In respect of personal crime (theft with violence, theft without violence, physical assault excluding domestic violence and sexual offences), 6.1% (56,600) of persons over the age of 18 in Dublin were the victims of personal crime in 2006, whereas only 3.5% (16,800) of persons over the age of 18 in the South-West were similarly affected. The Garda Public Attitude Survey of 2008 also noted that crime victimisation varied considerably across Garda divisions, with the Mayo division recording the lowest rate of crime victimisation at 2.3%, and Dublin South Central the highest at 19.3%. The Cork city Garda division recorded a crime rate of 7.3% in 2007. The average rate of crime victimisation per Garda division was 8.5% (2008: 9).

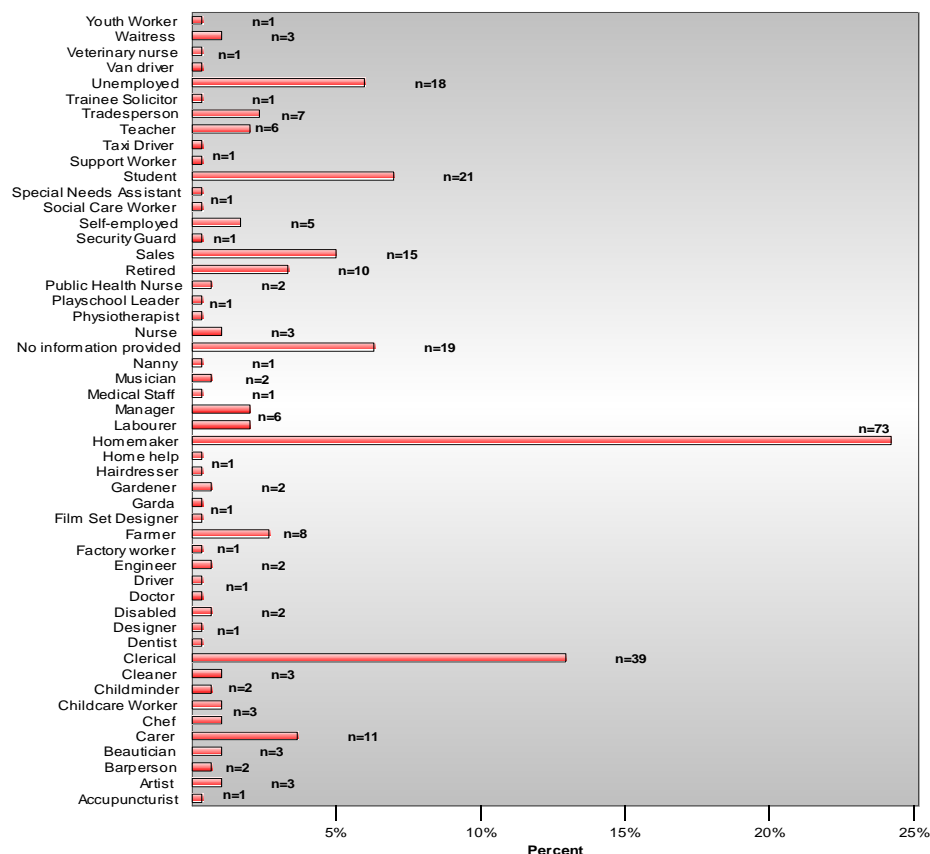
Analysis of whether the crime had taken place in an urban or rural location revealed a relatively even split with 48.2 % of victims experiencing crime in a rural context while 51.8 % experienced crime in an urban setting. Again, these statistics do not mirror the more general spread of criminal offences in relation to urban and rural locations. The CSO Quarterly National Household Survey in 2006, for example, revealed that households in rural areas had less than half the prevalence of property crime (household burglary, theft of vehicle, theft from vehicle, and vandalism) as those in urban settings. Residents in urban areas were also twice as likely to be victims of robbery and three times more likely to have been assaulted (excluding sexual assault and domestic violence) than those in rural areas (CSO 2007).

Fig 2.4: Place of Residence of Respondents (Victim Postal Survey)



With respect to the question of occupation, by far the largest group of respondents reported that they were homemakers (24.1 %), followed by clerical workers (12.9 %), students (6.9 %), unemployed (5.9 %) and those working in the sales sector (5 %). As figure 2.5 reveals, respondents identified 50 different occupations including manual, clerical and professional jobs.

Fig 2.5: Occupation of Respondents (Victim Postal Survey)



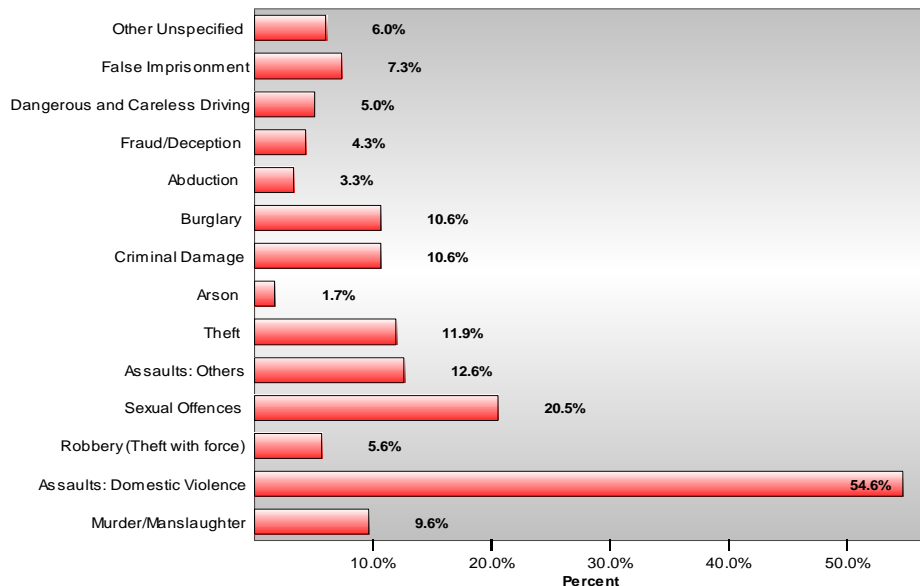
The breakdown of respondents in relation to type of crime experienced revealed that the greatest number of respondents (165), representing 54.6% of total valid responses, reported being victims of domestic violence. The next most common type of crime experienced by respondents was sexual offences, which accounted for 20.5 % of total valid responses. Figure 2.6 indicates the level of respondents who experienced all other specific offences listed on the questionnaire. A further 10 other types of offences were also identified by respondents. This data is significantly different from the last Garda Public Attitudes Survey in which the crimes most frequently reported to the Gardaí were burglary (26 percent of victims) and criminal damage to car/vehicle (17 %) (Garda Research Unit 2008: 9). Sexual assault and domestic

violence were recorded at a level of just 1 % in the Garda survey. Similarly the murder/manslaughter of a family member was indicated in 29 of the 302 valid responses in our survey, representing 9.6% of cases. The Annual Report of the Garda Síochána in 2007, however, reveals that of the 104,946 indictable offences recorded in that year, only 84 related to murder or manslaughter (excluding vehicular manslaughter).¹⁴ Therefore, in terms of crimes experienced, the respondents in our survey are over representative of particular types of crime, reflecting the type of crimes which victims are likely to seek help for, and/or the type of crimes for which organised help is available, rather than the pattern of crime more generally.

In relation to response rates by types of crime, responses from victims of domestic violence were closely proportionate to the number of questionnaires distributed to organisations which support victims of this crime (50% of questionnaires were distributed to Domestic Violence organisations and 54.6% of respondents reported that they were victims of this crime). Regarding sexual offences, relative to the percentage of questionnaires distributed to organisations supporting victims of sexual offences (12%), the response rate from victims of this crime was almost double (20.5%).

¹⁴ Murder and manslaughter offences (excluding vehicular manslaughter) therefore represented 0.08% of all indictable crime reported in that year.

**Fig 2.6: Types of Crimes Experienced by Respondents
(Victim Postal Survey)**



2.1.2 The Semi-Structured Interviews

To elicit greater insights into victim experiences of support services and criminal justice agencies, and in particular to elicit their views on the adequacy of same, a semi-structured interview schedule to be administered on a one to one basis, was developed. The schedule covered five thematic areas: the experience of the support group, the experience of reporting the crime, the experience of ongoing investigation/court proceedings, the experience of counselling and compensation, and suggestions for service improvement (See Appendix 2). Given the constraints of time and budget, a decision was made to interview 20 victims. A key priority in identifying respondents for participation in the semi-structured interviews was to ensure, as far as possible, that participation in the interview would not in any way compromise the welfare of the respondent. To ensure the anonymity of respondents, pseudonyms are used in this report and care was taken to remove any identifying

information, which might jeopardise the privacy of the respondent. To make certain that participation was strictly on a voluntary basis, a question was included in the service user postal questionnaire asking respondents to include their contact details if they were willing to participate in a follow up interview with the research team. Ninety seven respondents indicated their interest in participating in an interview. A proportionally representative sample was determined to accurately reflect the breakdown of respondents by ‘type of crime’ and ‘provincial location’. Details of the location and type of crime experienced by the interview respondents are provided in table 2.2 while table 2.3 provides a more comprehensive demographic profile of the interviewees. Twelve of the interviewees were female and eight were male.

Table 2.2: Breakdown of Victim Interviews by Province and Type of Crime

	Murder/ Manslaughter	Domestic Violence/Sexual Violence	Other	Totals
Leinster	2	5	2	9
Munster	2	2	3	7
Connacht	0	1	0	1
Ulster	0	2	1	3
Totals	4	10	6	20

Table 2.3: Demographic Profile of Victim Interview Respondents

Pseudonym of Respondents	Place of residence	Age range	Occupation	Crime experienced
Harriet	Munster	30-39	Homemaker	Theft
Paul	Munster	40-49	Hairdresser	Murder & sexual assault of family member
Bernice	Munster	30-39	Health care worker	Murder of family member
Tracy	Munster	20-29	Homemaker	Domestic violence
Anne	Munster	60-69	Receptionist	Domestic violence
Carol	Connacht	40-49	Not specified	Sexual assault
Donal	Munster	70-79	Retired	Burglary
Catherine	Leinster	50-59	Self employed	Murder of

				family member
Barry	Ulster	40-49	Self employed	Assault
Gerry	Munster	40-49	Self employed	Kidnapping
Brendan	Leinster	50-59	Retired garda	Domestic violence
Ted	Leinster	60-69	Company director	Domestic violence
Phil	Leinster	30-39	Gardener	Assault
John	Leinster	30-39	Personal assistant	Sexual assault, assault & theft
Kate	Ulster	40-49	Homemaker	Domestic violence
Kylie	Ulster	18-29	Student	Domestic violence
Valerie	Leinster	30-39	Public health nurse	Dangerous driving causing death of family member
Mary	Leinster	50-59	Homemaker	Murder of family member
Clodagh	Leinster	50-59	Homemaker	Domestic violence
Heather	Leinster	40-49	Public health nurse	Domestic violence

All of the interviews were conducted by one member of the research team who made phone contact with each of the selected 20 respondents, and used the phone interview to acquaint herself briefly with the potential respondent, to assess his or her suitability for interview, and if appropriate to make arrangements for the date and location of the interview. Prior to the interview the respondents were requested to read and sign a consent form confirming their understanding of the interview process, the purpose and proposed uses of the data gathered and their voluntary compliance with the interview (See Appendix 3). The interviews took place in a variety of locations including, the victim's home (7), a relative's home (1), the victim's workplace (1), UCC (1), the office of a support organisation (2), the office of the Commission for the Support of Victims of Crime (4) and a hotel (4). The interviews were digitally recorded and the mean duration of the interviews was 50 minutes. The recorded interviews were transcribed and analysed thematically.

2.2 Researching Public & Professional Awareness of Victim Support Organisations

2.2.1 The Street Survey

The secondary aim of this study was to gauge public and professional awareness of the availability of support services for victims of crime. To assess awareness levels among the general public, two of the research team carried out a street survey of 50 members of the public. The survey was conducted in Waterford city in February 2009. An incidental sampling procedure was applied whereby two members of the research team stood outside a shopping centre in Waterford and requested participation from passers-by. The researchers endeavoured to secure respondents who represented a range of gender and age profiles. As table 2.4 indicates 52 % of respondents were female and 48 % were male and the age range of respondents is outlined in table 2.5.

Table 2.4: Street Survey Respondents by Gender

Gender	
Female	Male
26	24

Table 2.5: Street Survey Respondents by Age-range

Age Range	18-29	30-39	40-49	50-59	60-69	70-79	80 plus
Number	12	10	7	8	10	3	0
Percentage	26	20	14	14	20	6	0

The Street Survey consisted of 7 items, including 5 closed questions and 2 open questions (See Appendix 4). In particular the street survey sought to identify respondents' awareness of the National Crime Victims Helpline and their awareness of a range of victim support organisations. The data were analysed using SPSS and descriptive statistics were produced.

2.2.2 The Telephone Community Awareness Survey of Professionals & Community Organisation Workers

To gauge awareness of the availability of support services for victims of crime among professionals, and employees or volunteers in community services in whom crime victims might confide, a telephone survey was conducted. Table 2.6 provides details of the respondents' professional/organisational affiliation and their location. The Community Awareness Survey was conducted with 23 respondents in February 2009 and interviews took between 5 and 10 minutes. 13 of the respondents came from Cork city and 10 from the West Cork area.

Table 2.6: Professional/Organisational Affiliation of Community Awareness Survey Respondents

Professional/Organisational Affiliation	Northside Community Cork City	West Cork Community
Accident & Emergency Nurse	0	1
Accident & Emergency Doctor	2	0
Active Retirement Group	1	1
Citizen Information Centre	2	1
Community Resource Centre	1	1
Disability Support Group	1	1
General Practitioner	1	1
Immigrant Group	1	0
Public Health Nurse	1	1

Social Work	1	1
Traveller Support Group	1	1
Youth Centre Worker	1	1

The respondents were purposively selected to reflect personnel who provided services to a range of individuals in terms of age, ethnicity and ability level. As the research team were familiar with service provision in the Cork area, the sample was drawn from Cork city and from West Cork. The research team contacted prospective respondents by letter, explaining the nature of the study, guaranteeing anonymity and requesting participation in the phone survey. The survey contained 6 items, relating to the respondent's familiarity with a range of victim support organisations, their assessment of the adequacy of support and their suggestions for the improvement of localised support services for victims of crime (See Appendix 5). The phone interviews took between 5 and 10 minutes and were all completed by one member of the research team. The data collected was analysed thematically.

2.3 Conclusion

The methodology adopted in this study was designed to gather data which would provide the following: an empirical account of the self-defined needs of victims of crime and their families; insights into how victims inform themselves about support services; and an indication of the extent to which they use such services and their assessment of how adequately criminal justice agencies and support organisations meet their needs. As such this research is informed by a victim needs perspective and provides in-depth empirical data on victim use of, and engagement with, support organisations and the criminal justice system. Such data has the potential to inform detailed service and policy development. The data generated on victim satisfaction ratings of various elements of the legal process and support and service provision, provides a more global analysis of the quality of various elements of service provision and can assist in the identification of aspects of provision which are working well and those which need greater attention. Finally, the information generated on public and professional awareness of the availability of support services for victims of crime,

while limited, does nonetheless, provide insights into levels of awareness and indicators as to how this might be improved.

Chapter 3: An Garda Síochána

3.1 Introduction

In the aftermath of a crime or a traumatic incident, victims and their families often go through a difficult period of adjustment as they come to terms with what has occurred. Very often, one of the first contacts that a victim will have with the criminal justice system will be with the Gardaí.

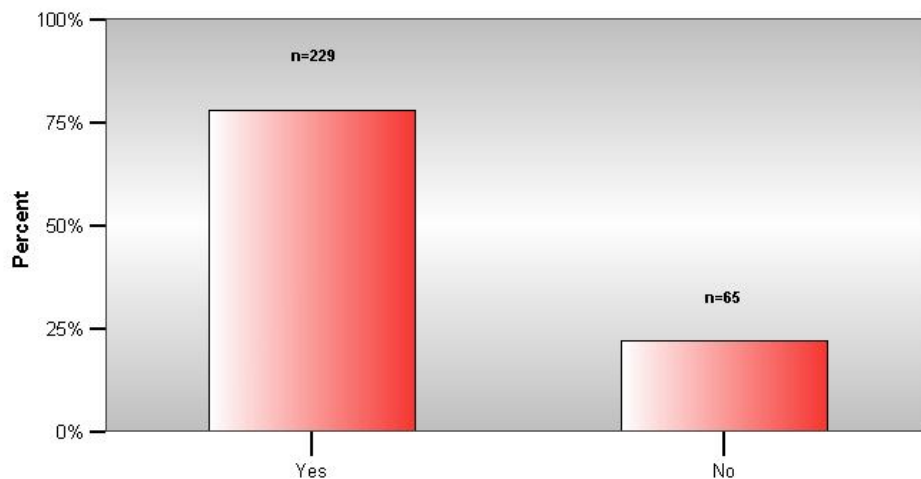
It is clear at a policy level that the Gardaí are aware of the broad array of needs and concerns of victims of crime. The Victims Charter notes that the Gardaí are ‘very conscious of [victims'] special place in the criminal justice system, and would like to

establish a supportive relationship with [them]' (1999: 6). Similarly the updated Garda Charter for Victims of Crime, which repeats much of the material contained in 1999 edition of the Victims Charter recognises that the Gardaí 'are fully committed to addressing victims' needs and concerns. Respect for the dignity, autonomy and rights of every victim are core values of our service' (nd: 2) The types of assistance which they commit to providing include the promise to treat victims with courtesy, compassion, and respect; to provide information about the services available; and to provide information about the investigation of a crime and the prosecution of the accused. This chapter will document the research findings relating to victims' experiences of their interaction with the Gardaí and, in particular, will consider the extent to which their needs in this regard are being met. It will commence with an examination of the extent to which victims of crime report crime to the Gardaí, before considering issues such as the initial provision of information to victims by the Gardaí, victim satisfaction with the statement-taking process, the provision of information by the Gardaí at investigation stage, whether a family liaison officer was assigned (and satisfaction with same), and overall victim satisfaction with the Gardaí.

3.2 Victim Reporting of Crime to the Gardaí

Of those that answered this question (294 respondents in total), 229 respondents (75.6%) answered that they reported the crime to the Gardaí. Sixty five respondents (21.5%) answered that they did not report the crime. The remaining 3% of respondents (9) either did not answer the question or gave an answer that was spoilt.

Fig 3.1: Reporting the Crime to the Gardaí (Victim Postal Survey)



The crucial statistic emanating from these results is that slightly more than 1 in 5 respondents did not report the crime to the Gardaí. It demonstrates that there is more crime than the official picture reveals. As has been documented in other studies, decisions on whether or not to report a crime to law enforcement authorities are influenced by a variety of factors including views about the law enforcement authorities and their effectiveness, perceived seriousness of the offence, perceptions about the likely success of criminal proceedings and the severity of sentence, the ease with which reports can be made, issues of insurance, feelings of shame and weakness,¹⁵ whether the victim believed that the matter could be ‘sorted out’ at a local or individual level, the fear of reprisal, the need to prevent family distress, the fear of prejudice or not being taken seriously (i.e. homophobic crime is often under reported),¹⁶ and the fear of being implicated in the crime.¹⁷

This finding of under reporting is consistent with other Irish studies. O’Connell and Whelan, for example, in a study in Dublin in the early 1990s noted that 19% of those surveyed did not report the crime (1994: 85). In a follow-up study a few years later,

¹⁵ Hanly et al (2009: 362) noted for example in their study of rape victims that the most common reasons given by participants for not making a report included: ‘psychological factors, such as not feeling strong enough to re-tell their experiences, social considerations, including concern at how making a report might affect their families; and concerns about the criminal justice system, especially the fear of not being believed’.

¹⁶ See ‘Massive fall in homophobic crime sparks fear of under-reporting’ Sunday Tribune 26 July, 2009.

¹⁷ On the reasons for non-reporting, see O’Connell (2000: 7). See also Breen and Rottman (1985) and CSO (2007).

the figure was reported at 20% (Kirwan and O'Connell 2001: 10). Another local study carried out in Limerick in 2002 involving 100 participants found that 54% of individuals did not report crimes perpetrated against them (King 2008: 62). The Quarterly National Household Survey in 2006, which asked 39,000 households about the experiences of crime among those over 18 years of age in the previous 12 months, found that 30% of burglaries (up from 23% in 1998), 39% of violent thefts (roughly the same as in 1998), 47% of assaults (up from 43% in 1998), and 57% of acts of vandalism (down from 60% in 1998) were not reported (CSO 2007).¹⁸ The SAVI Report into sexual abuse and violence in Ireland noted in 2002, after carrying out a study involving 3,120 participants, that disclosure rates to the Gardaí were very low (McGee et al, 2002: 128-132). Regarding experiences of adult sexual assault, only 1% of men and 8% of women had reported their experiences to the Gardaí (6% overall). Only 8% of adults reported previous experiences of child sexual abuse to the Gardaí (ibid: xxxvii). Other offences, such as the theft of a vehicle¹⁹ or homicide, have high reporting rates.²⁰

The Garda Public Attitude Surveys, carried out annually by the Garda Research Unit and which normally involves around 10,000 participants, estimated in 2002 that 84% of crimes were reported to the Gardaí, down from similar surveys carried out in 1999 (88%) and 2000 (86%) (Garda Research Unit 2002). The reporting rate dropped to 79% in 2004 before rising to 86% in 2006 and 87% in 2007. The reporting figure for 2008 was 84% (Garda Research Unit 2006; Garda Research Unit 2008). These surveys included offences across the range – burglaries, thefts, criminal damage, robberies, fraud, assaults, sexual assaults, domestic violence (physical) and other categories.

Though this study is consistent with other Irish studies in that it reveals a level of under reporting to the Gardaí, the results differ markedly as to the degree of this under

¹⁸ It is important to note that the Quarterly National Household survey did not ask about sexual assaults or domestic violence.

¹⁹ The CSO estimated that 92.2% of all car thefts were reported in 2006 (CSO 2007: 3)

²⁰ From our study of victims who contacted support services, the results show, for example, that crimes of arson and robbery were reported in all cases. 24% of miscellaneous crimes such as stalking and personal threats went unreported. 23% of crimes of domestic violence and fraud/deception went unreported, as did 20% of crimes of abduction and sexual offences. 18% of assaults (other than domestic violence) and 13% of crimes of dangerous and careless driving went unreported. Crimes of false imprisonment, criminal damage, theft and burglary were unreported in less than 10% of cases.

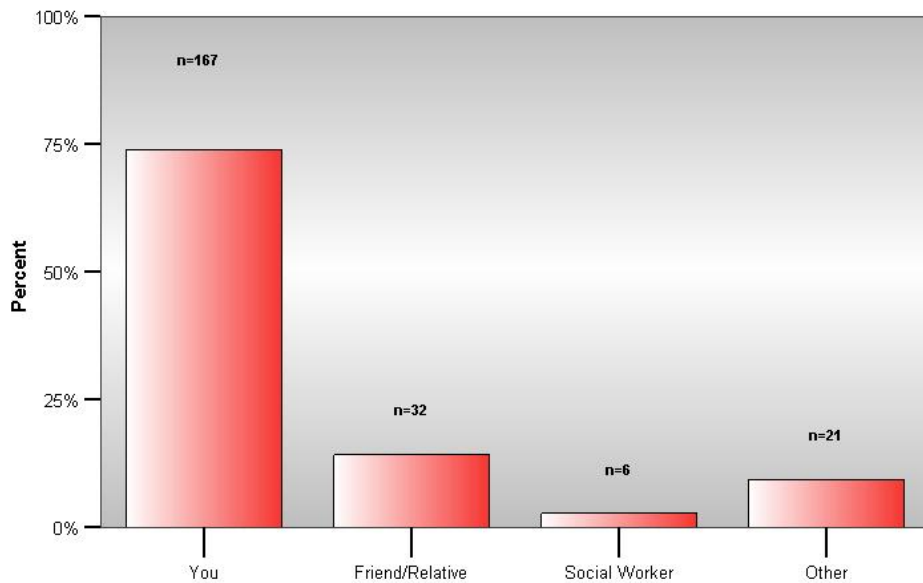
reporting. Much of the divergence between the different studies may be attributable to issues of methodology relating to the inclusion and classification of offences, the kind and size of the population sampled, the nature of the questions, the degree of empathy established with the interviewer and so on.

Though many of the reasons for non-reporting are beyond the direct control of the Gardaí (fear of being implicated, fear of family distress, lack of seriousness of the offence), it is important that the Gardaí ensure as far as possible that an environment is created where victims are in a position to make a report at a time which is convenient to them, that when reporting their account of events they will be treated seriously, that at all times they will be treated with dignity and respect, and that they will not be judged or prejudiced in giving that account.

3.3 Who reported the crime?

Of those who reported the crime and provided a valid response (226 respondents), it is clear that the majority of victims from the sample reported the crime themselves (74%). In another 14% of cases a friend or relative did so; in 3% of cases a social worker reported the crime, and in 9% of cases another individual reported the crime.

Fig 3.2: Who Reported the Crime (Victim Postal Survey)

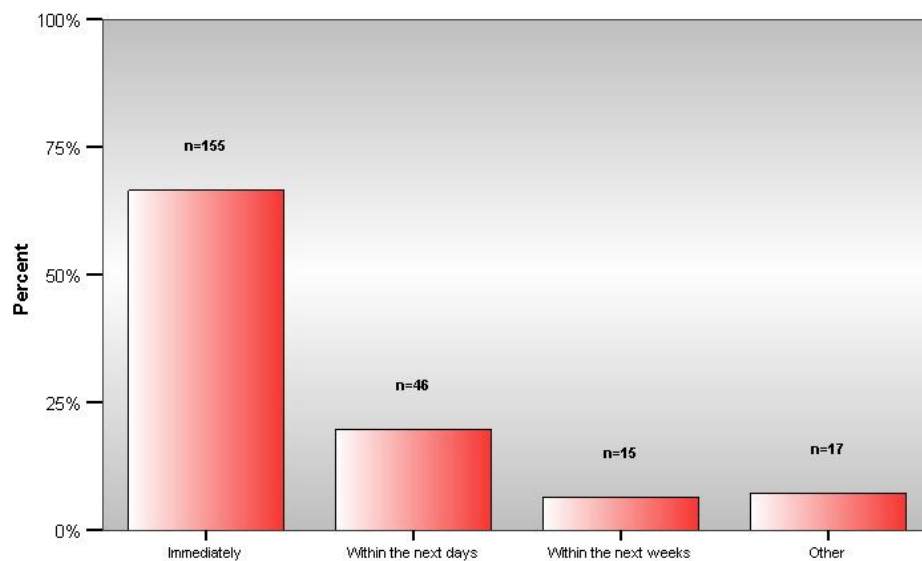


This other individual category included another victim (1 case); business partner (1); co-workers (3); local persons (2); the accused's mother (1); passer-by (5); support workers (3); the accused (1); witnesses (2); hotel staff (1); and a security manager (1).

3.4 When was the crime reported?

Of those who reported the crime and provided a valid response to this question (233 respondents), 66.5% of respondents answered that they reported the crime immediately; 19.7% answered that they reported within a few days of the incident and a further 6.4% answered that they reported within a few weeks.

Fig3.3: When was Crime Reported (Victim Postal Survey)



Of the remaining 17 respondents (7.3%) who answered the question, only 1 noted that he or she reported the crime within a year. The vast majority of this cohort answered that it took them a number of years to report with 5 answering that it took 25 or more years to do so. These 17 respondents reported a total of 30 offences, an average of almost 2 crimes each. Thirteen of these 17 respondents (77%) were victims of sexual offences.²¹

3.5 The provision of details by the Gardaí

It is now well recognised that part of the process of addressing victims' needs and concerns relates to the provision of information. The Victims Charter, for example, identified the need to describe 'all the elements of the criminal justice system from the victim's perspective' (1999: 2) The EU *Framework Decision on the Standing of Victims in Criminal Proceedings*, which the Council adopted in March 2001, requires that victims in EU states have access to relevant information, in particular from their first contact with law enforcement agencies, to the information relevant to the

²¹ In Ireland, an accused person facing criminal charges relating to a delayed complaint can seek to have the complaint struck out on the grounds that it prejudices his right to a fair trial. See *S.H v Director of Public Prosecutions* [2006] 3 IR 575

protection of their interests like the type of organisations they can turn to for support, and the type of support they can obtain.²²

In the initial stages, particularly after a crime is reported, the provision of information ordinarily relates to the support services available, contact names for the investigating Garda, and an incident number so that victims can follow up on cases and make appropriate inquiries. Watson (2000), for example, documented the clear need to provide follow up information on both the criminal process and the support services available. To this end, the Garda Charter for Victims of Crime (nd: 2) points out that:

An Garda Síochána is very conscious of the special place which victims have in the Garda service delivery process and the criminal justice system. We are committed to establishing a helpful and supportive relationship with you. Special regard for your dignity, concerns and needs is a high priority for us.

It also states that Gardaí will inform victims ‘of the name, telephone, number and station of the investigating Garda’ and ‘the services available for victims of crime or a traumatic incident.’ The Gardaí have also adopted the procedure of issuing a letter to the victim informing him or her of the name of the investigating Garda, how to contact the Gardaí, details of the Pulse incident number, and the number of the National Crime Victims Helpline.²³ This letter is also accompanied by a list of national and regional organisations that support victims of crime. The Garda Annual Report of 2008, for example, indicates that An Garda Síochána has listed as a strategic goal that 100% of crime victims are notified in writing of the contact details of the investigating Garda and, where appropriate, of the availability of victim support services (Garda Annual Report 2008: 15).

However, the Garda Attitude Survey of 2008—which involved 10,000 interviews across 25 Garda Divisions—demonstrates that there is a substantial gap in the provision of information. In 2008, for example, 68% of those surveyed revealed that they did not receive a letter about the crime; in 2007 this figure stood at 71% and in

²² See also *The Code of Practice for Victims of Crime in England and Wales* at para 5.3, available at <http://www.homeoffice.gov.uk/documents/victims-code-of-practice?view=Binary>

²³ Or the Irish Tourist Assistance Service (ITAS).

2006 at 73% (the table reproduced below is taken from the Garda Public Attitude Survey of 2008).²⁴

Table 17 Receipt of Garda letter about the crime

Receipt of letter		Yes	No	Total
		%	%	n
Survey	2008	32	68	728
	2007	29	71	773
	2006	27	73	807

Respondents in the category 'don't know/can't remember' have been excluded.

Of those who did not receive a letter, or did not recall receiving a letter, 53% claimed not to have received the name of the investigating Garda by other means in 2008. The percentage figures for those who claimed not to have received the name of the investigating Garda by other means in 2007 was 59% and in 2006 the figure stood at 54% (the table reproduced below is taken from the Garda Public Attitude Survey of 2008).²⁵

Table 19 Victim informed of Garda name by other means?

Year	Yes	No	Total
	%	%	n
2008	47	53	704
2007	41	59	741
2006	46	54	755

In this research study, the following information was revealed in relation to the provision of information by the Gardaí:

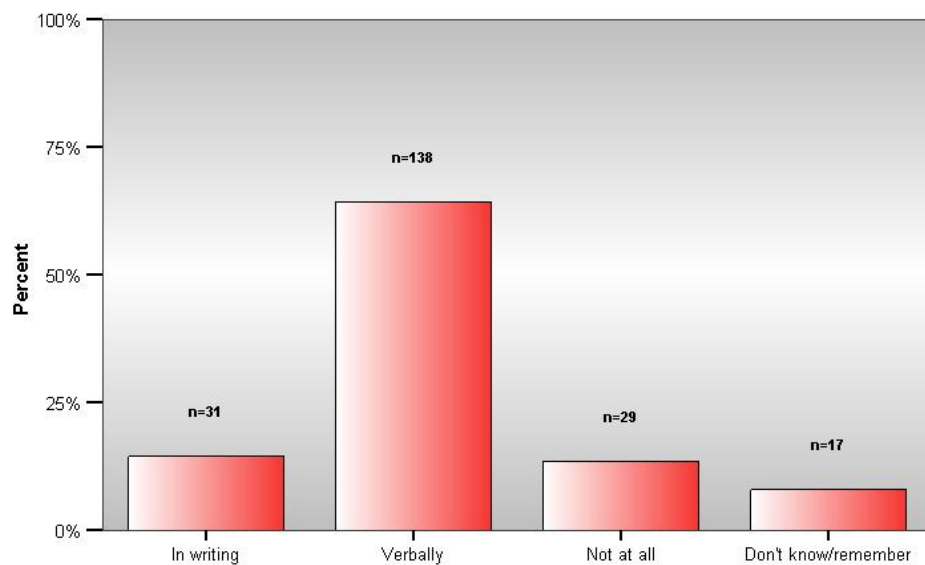
(i) Receipt of Name of Investigating Garda

Of those that reported the crime and answered the question validly (215 respondents), 14.4% received the contact details of the investigating Garda in writing; 64.2% received it verbally; 13.5% (29 respondents) did not receive it at all, and 7.9% could not remember.

²⁴ Garda Research Unit (2008) *Garda Public Attitude Survey 2008* (Templemore: Garda Research Unit, 2008), p. 11

²⁵ Garda Research Unit (2008) *Garda Public Attitude Survey 2008* (Templemore: Garda Research Unit, 2008), p. 12.

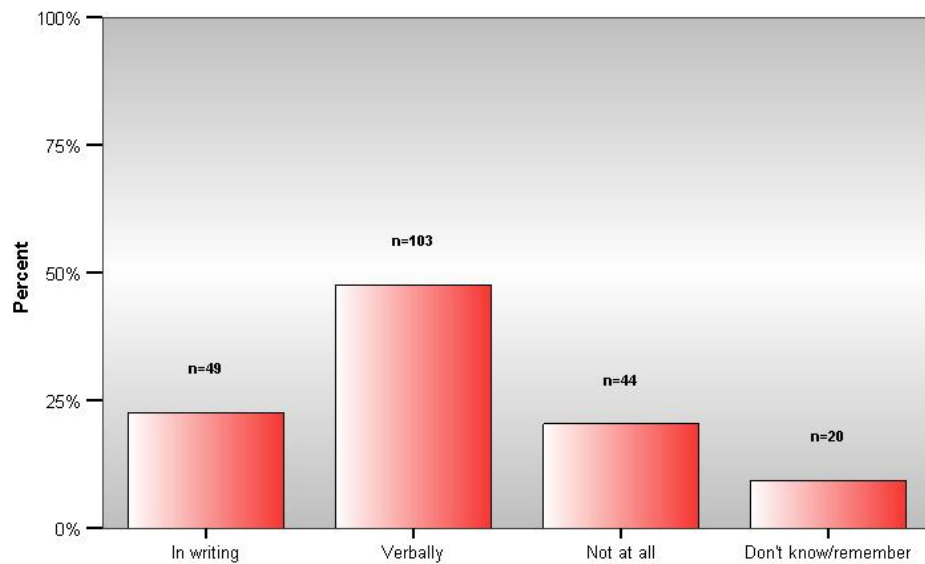
Fig 3.4: Receipt of Name of Investigating Garda (Victim Postal Survey)



(ii) Contact Details of Investigating Garda

Of the 216 valid responses to this question, 22.7% of respondents (49) said they received the contact details for the investigating Garda in writing; 47.7% of respondents (103) said they received it verbally; 20.4% (44) said they did not receive it at all; and 9.3% (20) did not know or could not remember if they received the information.

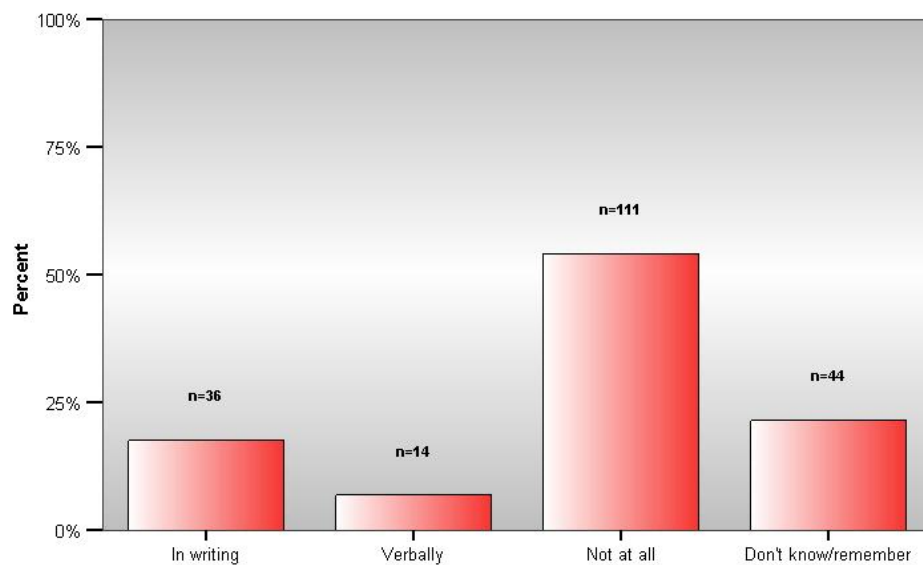
Fig 3.5: Receipt of Contact Details of Investigating Garda (Victim Postal Survey)



(iii) Receipt of Pulse Incident Number

Of those who reported the crime and answered this question (205 respondents), 17.6% received the Pulse incident number in writing; 6.8% received it verbally; 54.1% did not receive it at all (111 respondents); and 21.5% did not know or could not remember.

Fig 3.6: Receipt of Pulse Incident Number (Victim Postal Survey)

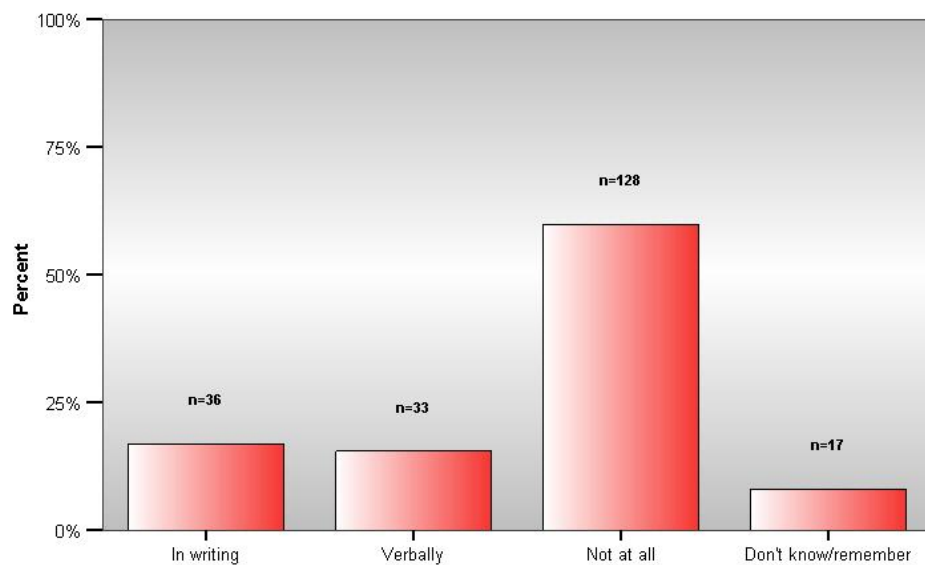


(iv) Receipt of Crime Victims Helpline Number

Of those who reported the crime and answered this question validly (214 respondents), 16.8% of respondents (36 respondents) did receive a number for the Crime Victims Helpline in writing; 6.5% of respondents (14) received it verbally; 59.8% did not receive it at all (128) and 7.9% (17) did not know or could not remember.²⁶

²⁶ The failure by the Gardaí to pass on the number of the Crime Victims Helpline to victims may, in part, explain the limited use made by victims of the helpline. As shall be discussed more fully in chapter 4, only 31.4% of survey respondents indicated that they had contacted the helpline.

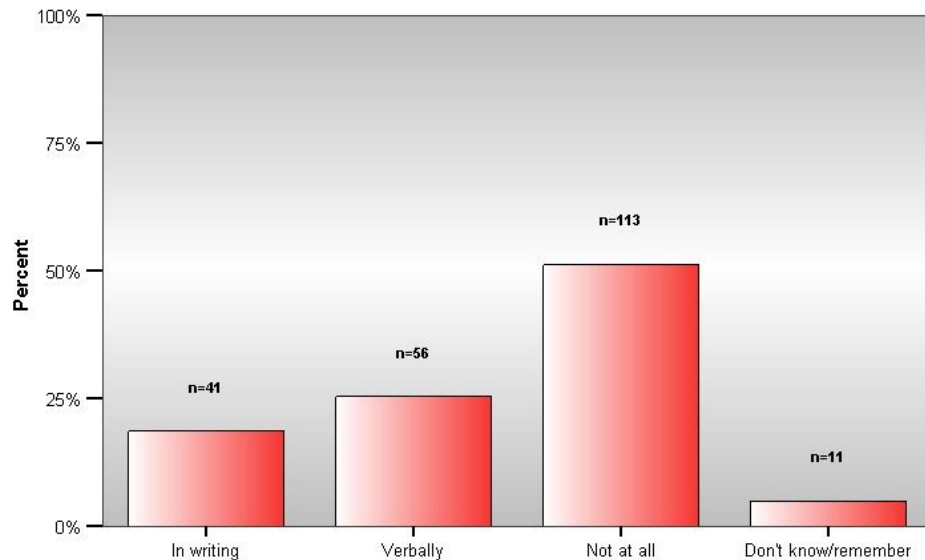
Fig 3.7: Receipt of Crime Victims Helpline Number (Victim Postal Survey)



(v) Receipt of Contact Number for a Group Supporting Victims

To ascertain practices in relation to Garda provision of contact details for support groups, the victim survey included a question which asked respondents if they had received such a number from the Gardaí. Of those who answered this question (221 respondents), 18.6% of respondents were given a group contact number in writing (41); 25.3% were given the information verbally (56); 51.1% did not receive a contact number for a group supporting victims from the Gardaí (113); and 5% did not remember whether they received such information or not.

Fig 3.8: Receipt of Contact Number for a Group Supporting Victims (Victim Postal Survey)



All the interviewees had sought support from groups or organisations. Significantly only a few of them had received information or contact details relating to these groups from the Gardaí but had instead relied on other sources of information. Catherine, whose brother was murdered, cannot recall whether or not she received information from the Gardaí on any support group immediately after the crime. There was a general lack of information initially and also confusion surrounding existing victim support organisations.

It was in the Coroner's court that I finally heard about them [AdVIC]. In the beginning there was a lot of confusion, we might have been told about them but we were probably not taking it in properly. Somebody told me that there were two or three groups and that there had been some sort of a split and I thought I'm not able for that...but I rang one of the numbers...

(Catherine)

Carol cannot recall being informed about various support groups by Gardaí. She relied on the internet for much of her information and approached various groups for various different types of support until she got in contact with the Court Support Service which appeared to meet all of her needs.

Initially, I didn't know what was out there, I was basically educating myself on what help was out there...I rang Victim Support first and they put me on to Court Support Service and I just didn't look for anybody else because I didn't need anybody else because they answered all my needs...regardless of what, I was assured always somebody on the phone, day or night.

(Carol)

In Tracy's case, it was her partner who found the support group for her.

I was having really bad nightmares and ended up leaving [city]...I wouldn't move outside the door by myself, I had to be escorted...He [partner] said enough is enough and he went through a local directory...and he found the support group and he rang them and said: "She needs help, she needs something" so it was actually through him...[partner] rang first and the girl rang back and she made an appointment for me to go in and speak to her...

(Tracy)

Moreover, when respondents were asked, in part 7 of the victim postal questionnaire, how the criminal justice system could be improved having regard to their own individual experiences, many referred to the lack of information provided by the Gardaí in relation to support groups. The quotes below indicate the nature of victim experiences of receiving information from the Gardaí.

I was lucky with the investigating detective, very helpful but a lot of what I discovered was because I dared to ask. I wasn't told about a lot of things, like I could contact state solicitor. [I] found out who he was and phoned him. I didn't know about expenses. [I] wasn't aware of [the] Rape Crisis Centre until nearly one year after crime – knew of them but not aware of their role.

(Victim of sexual offences and false imprisonment)

[T]he Gardaí need to be more assertive about giving out details of support organisations.

(Family member of a victim of homicide and sexual offences)

[I] would have liked if the Garda informed me about the refuge when I made the call after being abused. It was a social worker many weeks later. I am sad that I spent those weeks feeling lonely and isolated...

(Victim of domestic violence)

In my particular case I do not believe I received adequate support from the Gardaí. I was not even notified in writing that I would have to attend as a witness. I was not given a pulse incident number or details to any local support organisations that I could contact.

(Victim of domestic violence/criminal damage)

In addition to the high attrition rates regarding the reporting of crime, there is clearly an issue regarding the provision of information from the Gardaí. This difficulty was in part already highlighted by the Garda Research Unit in relation to the provision of the name of the investigating Garda to a victim of crime. Our study confirms this deficit in the provision of information. Although the provision of such information is a stated policy of the Gardaí, it appears from the questionnaire responses in this study that this is often not the case. Roughly 1 in 10 of the respondents who reported a crime indicated that they did not receive the name of the Garda to whom they reported the crime; 1 in 5 claimed not to have received the contact details of the investigating Garda; 1 in 2 claimed not to have received the pulse incident number; 1 in 2 claimed not to have received a contact for a group supporting victims;²⁷ and only 4 in every 10 respondents who reported the crime indicated that they received the number for the Crime Victims Helpline. There also appears to be a clear division in terms of the information provided to victims of crime by the Garda at reporting stage. Although roughly only 1 in 10 victims of crime did not receive the name of the Garda to whom they reported the crime, and 1 in 5 did not receive the contact details of the investigating Garda, far greater numbers of victims (roughly half) did not receive the Pulse incident number, a contact for a group supporting crime victims, and a number for the Crime Victims Helpline.

Given that the Gardaí are often one of the initial contacts following a crime,²⁸ it is vital that they provide relevant information on the investigation of the crime (name and contact details of investigating Garda, Pulse Incident number), and advise on the support services available (the Crime Victims Helpline, and more specific support services). The survey supports the contention that the Gardaí are not systematically passing on information which may be of practical and emotional support to victims of crime (particularly in relation to Pulse incident numbers, the Crime Victims Helpline, and more specific support services). This information deficit can result in secondary victimisation, intensifying the harms caused by the crime and aggravating the trauma experienced by the victim.

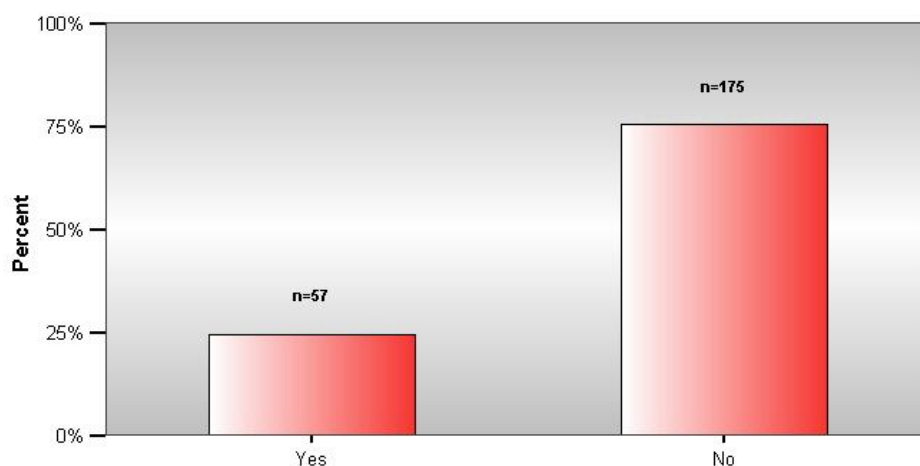
²⁷ Similarly Hanly et al (2009: 173)) noted in their study of rape victims that 42% of respondents indicated that they were not given information about support services from the Gardaí

²⁸ As is evident above, most victims who report a crime do so immediately after its occurrence.

3.6 Consent for referrals.

Of the 232 valid responses to this question, 24.6% (57) of respondents confirmed that a Garda did ask for their consent to pass their details to a group supporting victims, but 75.4% (175) replied that they were not asked.

Fig 3.9: Did the Gardaí ask for your consent to refer details to a group supporting victims (Victim Postal Survey)



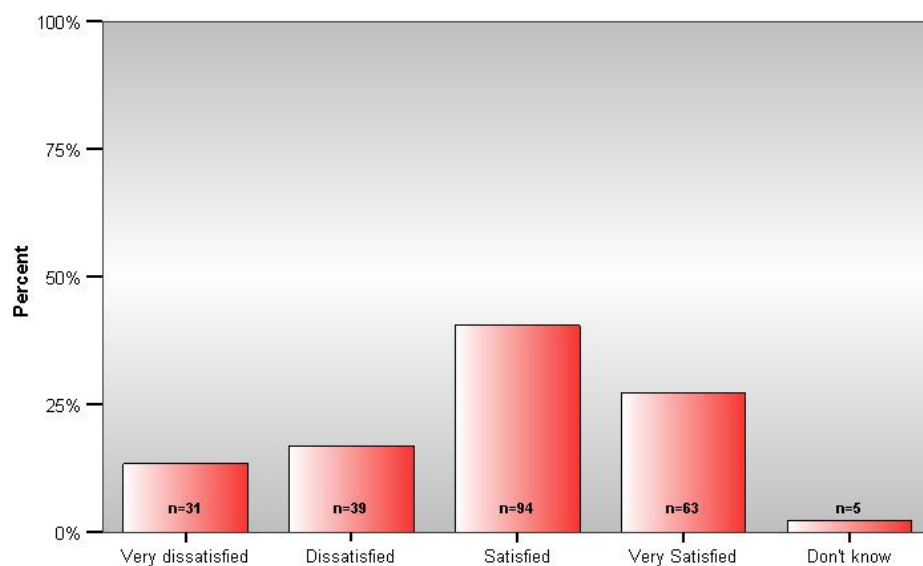
In the light of the high numbers of respondents who claim not to have received a contact for a group supporting victims or the number for the Crime Victims Helpline, it is likely that many of the respondents who indicated that they were not asked to consent did not have their details passed on to a group supporting crime victims. Nevertheless, in order to protect the interests of victims, it is necessary that standard practices are adopted in relation to the provision and referral of information. It is now established that any referral procedure by the Gardaí to victim support organisations must be based on the informed consent of the victim. The Office of the Data Protection Commissioner has indicated that it would be likely that it would have to rule against An Garda Síochána for incompatible disclosure of personal data, if details were handed over to support organisations without the victim's consent.²⁹

²⁹ Case Study 8/01 Victim Support – liaison with An Garda Síochána – disclosure of victim details – issue of consent, available at www.dataprotection.ie/viewdoc.asp?DOCID=128

3.7 Garda sensitivity during the statement taking process.

There were 232 valid responses to this question. Roughly 7 out of every 10 respondents indicated that they were either satisfied or very satisfied with Garda sensitivity during the statement-taking process.³⁰ 40.5% of respondents (94) indicated that they were satisfied with the sensitivity of the Gardaí during the statement-taking process, and 27.2% (63) indicated that they were very satisfied. Of those who indicated that they felt that the Gardaí were not sensitive in the statement-taking process, 16.8% (39) expressed themselves as dissatisfied, and 13.4% (31) expressed themselves as very dissatisfied. Five respondents (2.2%) did not know whether they were satisfied or not with the sensitivity of the Gardaí during the statement-taking process.

Fig 3.10: Victim Satisfaction with the Sensitivity of the Gardaí During the Statement Taking Process (Victim Postal Survey)



Many of the interviewees also expressed satisfaction with the sensitivity of the Gardaí during the statement-taking process. Barry had been assaulted in a public car park in front of his two children. His wife rang the Gardaí while he was still in hospital. Barry said that the statement-taking process was thoroughly explained to him:

³⁰ Hanly et al (2009: 166) made similar findings in their study of rape victims, with over two-thirds of respondents indicating that they were satisfied or very satisfied with the Garda who took their statement.

He went through the whole thing and he said that pieces could be pulled up in court during cross examination...[The Garda] came to my own house...

(Barry)

Phil, another victim of assault who had been attacked by a gang on the way home from the pub, was also satisfied with Garda sensitivity during the statement-taking process. The Gardaí were in the vicinity and were on the scene within minutes of the incident. Phil remembers that three Gardaí came in to see him in the hospital later that night: "... [They] just wanted to see how I was, what state I was in...they were very concerned...". Phil called to the Garda station around one week later to give a formal statement and he also received the Garda's name and contact details on a card.

The guard that was on the case, the young chap, interviewed me, he contacted me. I went down, we sat in an area, an interview room and I just told him what happened...That was the statement...I felt grand, he was grand...He gave me his name, I still have the card in my wallet...

(Phil)

Kylie, a victim of domestic violence, then aged 19, had been in a violent relationship with her boyfriend for some time but never reported the assault to the police before. After a particularly bad beating, a friend of her boyfriend drove her to the Garda station. Her experience of the Garda response was very positive, something which might be explained by the severity of her injuries. She was positively surprised by the treatment she received by the Gardaí, in particular the female Garda whom she met first and later the investigating Garda.

The first lady guard I saw, she was absolutely unbelievably brilliant and she was very, very open and warm to me and then I remember seeing a couple of other guards looking at me and I felt that they were judging me, especially when they heard who did it. I could see one or two had tears in their eyes when they saw the extent of everything, but once I was assigned a guard, he bent over backwards to do everything for me...I gave the initial statement to a [female] garda and I gave the others then to my assigned guard....My mother and father came down, they were there for the next four days when I had to make statements...[The Gardaí] treated me with more respect than anything to be honest...

(Kylie)

Gerry, a victim of a kidnapping, had only positive words to say about the Gardaí admitting that in the past they would not have responded swiftly to calls involving minor crimes relating to his retail business.

They were absolutely professional...I would say the conduct of the Garda Síochána throughout the whole thing was exemplary...and fantastic...I found the Garda Síochána very, very good throughout the whole thing...

(Gerry)

Similarly, Valerie, a victim of dangerous and careless driving leading to the death of a family member praised the initial response by Gardaí as they called to the accident. Valerie was taken to a nearby hospital and while there she was visited by two Gardaí who identified themselves to her and gave her their names and mobile phone numbers in writing. They told her that she could make a statement in her own local Garda station whenever she felt ready to do it. Ten days after the accident she arranged with local Gardaí to make the statement in her own home.

They invited them [two sisters] to stay with me to make the statement...They were very, very kind...They came up to me about 1 o'clock in afternoon. I told them the story briefly and one of them started the writing and took it down word for word and they were very helpful...They made suggestions, as well, just to help me and as it turned out, that actually was very helpful and everything I said in my statement was there and was later used in court, you know, that I had said that daddy had driven that road for the last 43 years and had been a careful driver and never had had an accident...They were in the house for two hours...They were very good.

(Valerie)

Although most of the experiences of the interviewees were positive in relation to the statement-taking process, one in particular voiced concern. John, a victim of a sexual assault, felt extremely vulnerable and exposed giving his statement.

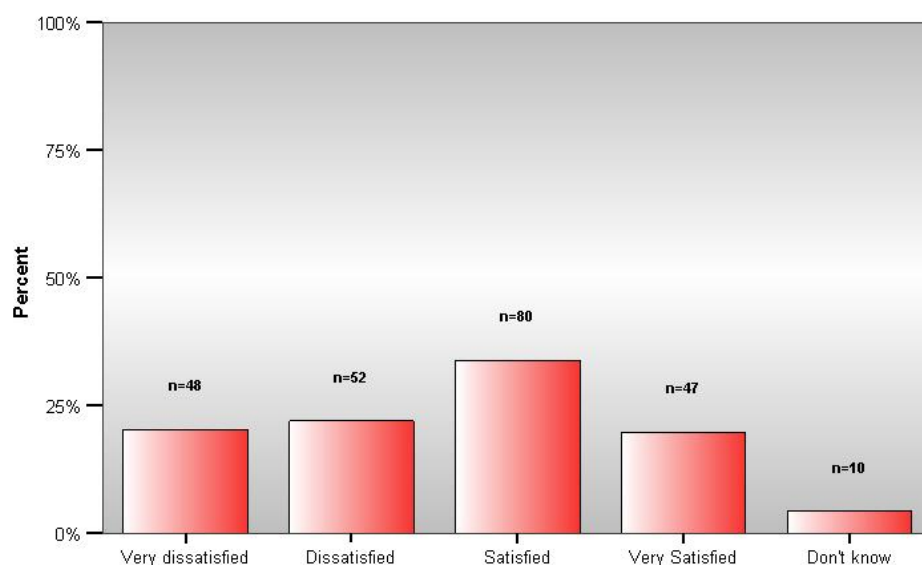
I made a full statement on Thursday evening...It was such a huge invasion, obviously what happened was huge... [It was a] huge thing to happen but I felt very kind of exposed which is probably normal...I didn't feel that the treatment I got, although they were...on certain levels obviously aware of how difficult this was for me...I still felt that I was overly exposed...I didn't feel that I had the support there that I needed being a gay person...I got the impression that assumptions were made...plus the room was absolutely freezing cold, there was no heating...It was January...I was just given the man's name [investigating Garda?] on a card...and his phone number...

(John)

3.8. Satisfaction with the information provided by the Gardaí to victims during the investigative process

There were 237 valid responses to this question. 53.6% of respondents (127) expressed themselves satisfied (80) or very satisfied (47) with the information provided by the Gardaí during the investigative process. 42.2% of respondents (100) expressed themselves as dissatisfied (52) or very dissatisfied (48) with the information provided. A further 4.2% (10 respondents) did not know whether they were satisfied or dissatisfied.

Fig 3.11: Satisfaction with Information Provided by the Gardaí during the Investigative Process (Victim Postal Survey)



The dissatisfaction rate of 42.2% in relation to information provided by the Gardaí during the investigation stage is high. Nevertheless it is lower than that expressed in Garda Public Attitude Surveys (as reproduced in the table below). For example, and as outlined in the table below, dissatisfaction ratings with the provision of information during the investigation stage ran at 56% in 2008 and 2007; 58% in 2006; 52% in 2005; and 57% in 2004.³¹

³¹ The table below was provided in Garda Research Unit Report (2008: 13). It is important to note that our survey was limited to victims who used victim support organisations.

Table 23 Satisfaction with being kept informed of progress

Survey	Very satisfied	Satisfied	Dissatisfied	Very dissatisfied	Total
	%	%	%	%	n
2008	10	34	33	23	779
2007	11	34	35	21	824
2006	10	32	34	24	857
2005	12	37	31	21	956
2004	12	31	26	31	75
2003	9	28	37	26	82
2002	15	33	31	21	1045

The percentages for 2007 and 2005 do not sum to exactly 100 due to rounding.

Some interviewees expressed their satisfaction with the provision of information during the investigation process. Ted, for example, who had been assaulted by his son-in-law, kept in regular contact with his local Garda station:

She [investigating Garda] used to ring my daughter...once a month [reporting back]...Occasionally I would drop in to see how the case was developing...and they were quite nice to me from that time on, they got to know me going in...

(Ted)

Most of the interviewees, however, expressed their dissatisfaction with the provision of information by the Gardaí during the investigation process. Harriet, for example, had her passport stolen:

They were to ring us when they would have the CCTV checked...That was on the 12th and on the 29th. I still hadn't received any calls so I rang on the 29th of August and I spoke to this guy [name] and he said [assigned Garda] is not in, ring back at half past nine. I rang back at half nine, he was in a meeting. I rang at quarter to ten, he was gone out of the office. I rang again that night, he was actually off for the weekend and the week later he was on holidays...He never contacted us...So I kept going and I was getting madder and I kept ringing and ringing...So I said: "Look, can I speak to the sergeant"...and they said, "You can't speak to the sergeant, we'll contact [assigned Garda] and we'll get him to call you back". So he did call me back that night, but basically what he said was they watched all the CCTV and there was nothing on it.

(Harriet)

I was almost a nuisance to them and I wanted to be a nuisance...The more he wasn't ringing back the angrier I was getting... I think definitely that the victim should be treated with more respect. We really felt that we got absolutely no respect from them whatsoever...

(Harriet)

Phil, who had expressed satisfaction with the Gardaí during the statement-taking process, became frustrated with the lack of information offered during the investigation stage.

The guard said if anything happens they will notify me whatever the case is. I still haven't heard anything since...I haven't rang them because if there's anything new they'll ring me...a year and a half ago...

(Phil)

Donal who was a victim of burglary received a letter from his local Garda station a week after reporting the crime. The crime itself was, however, never investigated and the letter was the only communication Donal received from the Gardaí.

[A] Superintendent sent me a letter a week later with a pulse number...I had no contact with the guards since. I even rang up in relation to the Garda but every time I rang up he wasn't there and I left my number but no one ever bothered. I think I even went down to see the guard to see what happened... I think this was only a minor detail...to them but it wasn't a minor detail to me... I thought I'd...speak to the guard...I thought that maybe we'd have a little chat about it and that they'd come back...I'd say I rang the guards about three times approximately but they never rang back and I just didn't bother then.

(Donal)

Tracy, a victim of domestic violence, kept ringing the Garda station to find out what was happening and whether or not they had arrested her attacker. She found it almost impossible to get hold of the investigating Garda.

I used to ring the Garda station to find out what was going on and he was never there and I'd leave messages and leave messages and he'd never answer them. He called to my mum's a few weeks ago and he was looking for me and he left a message with my mum: "can you get her to contact me"...I rang the Garda station: "no, he's finished". [I asked]: "can you leave a message for him, it's really important that he rings me back, I need to know what he wants?" And he never did...³²

(Tracy)

³² Hanly et al (2009: 179) document similar expressions of dissatisfaction in their study. One respondent in that study noted: 'Never followed up complaint, Anytime I contacted Garda in charge of case she was never there to take calls.' Another noted: 'Am sick of having to hound Garda only to be told will be in at X hours and on phoning again not in.' In the Hanly survey, almost forty per cent of respondents stated that they found it difficult or very difficult to obtain information about the progress of their cases (2009: 174).

Kate, also a victim of domestic violence, had a safety order in place for herself and her daughters which allowed the Gardaí to arrest her husband immediately after his attack. She was dissatisfied however with the level of information she received as the case proceeded.

I phoned [Garda station] three or four times... “They’ll get back to you”...The day before the court case was to go ahead the [investigating Garda] drove in the squad car, into my drive. My daughter was sitting in her car, that’s the way he told her the case is going ahead tomorrow. She received one letter two weeks before that just to say that someone was being held accountable. That’s all really it said in the letter, no date, no nothing, not telling her what it meant. I had to ring [Garda station] to ask what does this word mean? “It just means your husband is being charged...”

(Kate)

In another case of domestic violence, Brendan, a Garda with many years experience of the criminal justice system, was accused by his wife of assaulting her and sexually assaulting their children.

I had to chase them (the Gardaí) for information. I suppose, they were very hap-hazard in giving me information They took a statement and I still didn’t know what was happening...I had to ring up and say “well, is there a file going to the DPP?” but if I didn’t know the procedures I would have been in a terrible mess.

(Brendan)

During the time of the investigation John, a victim of sexual assault, initially received one or two phone calls from the investigating Garda who was checking to see how he was. After those phone calls, however, it was left up to him to retrieve information about how his case was proceeding.

I had to write letters and I didn’t get any responses to my letters ever...So I would ring up and there were always excuses... “Oh, I wasn’t on duty” and stuff...but I knew when he was on duty...So there was a lot of lies told...It took huge strength to pick up the phone to deal with it again, because you had to face it...bringing yourself back again...every time...

(John)

Valerie, who had initially expressed satisfaction with the statement-taking process, was very disappointed with the Gardaí at the investigation stage. She was injured and a close relative was killed in a road incident in 2006. The case did not go to trial until November 2008 and Valerie had to embark on a stressful journey involving many elements of the criminal justice system. The first obstacle was trying to get hold of the investigating Garda on the case.

I think at that point in time [after the statement had been made] things got quiet which obviously for us was very difficult, because we needed to know what happened the other person and I was ringing, it would have been almost every day at the time trying to catch him, trying to talk to him...I would have been on to [Garda station] three times in a week from September to December/January.... "No, the other person hasn't given a statement, she's not well enough to give a statement"...It was actually very difficult for me to establish any contact with them...

(Valerie)

During this time, Valerie rang the investigating Garda on a regular basis as she wanted to be informed about every step of the process. This, however, proved to be near to impossible so Valerie decided to communicate directly with the superintendent instead.

I would have moved on from the investigation Garda because we were tearing our hair out going absolutely nowhere. Our solicitor had advised us to move on at that point, which I actually did then. I was in direct communication with the superintendent...[The] Gardaí never take a phone call straight away, they always get back to you, you never get them straight up.

(Valerie)

Some of the victim survey respondents, in answer to how the criminal justice system could be improved in the victim postal questionnaire, also referred to the lack of information available at investigation stage:

My only experience to date has been with the Gardaí. I would like more contact, even a call once a week. I am anxiously waiting for DPP's decision and I have been informed that if he doesn't take a prosecution I will not be advised to as the reasons. This is a great source of anxiety.

(Victim of a sexual offence)

Essentially I felt 'lost' in the system and it would be of benefit to receive some type of contact from the investigating Garda at least on a monthly basis

following completion of a statement up to and for a time after the case comes to – or not to – court.

(Victim of a sexual offence)

Though this questionnaire is concerning ‘crime’ I feel the issue of missing people (sometimes due to violent crime) is also relevant. We, the families, rely heavily on the Gardaí, but personal experience and stories from others reveals that actions of the Gardaí is slow, uninformative and largely ineffective...

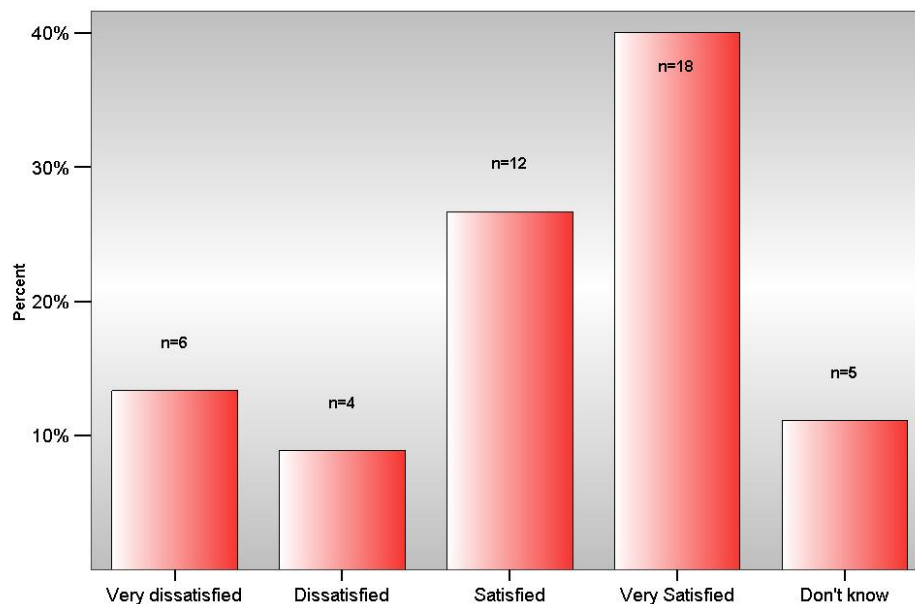
(Family member of a missing person)

It is clear that many of the victims in this study are dissatisfied with the level of information provided by the Gardaí in respect of the investigation of crime. For victims, as documented in the above quoted passages, the lack of information was evidence of a lack of respect, demonstrated that they were not being taken seriously, and acted as a further burden. This breakdown in the provision of information causes further and unnecessary suffering to victims of crime, and represents a form of secondary victimisation. It is vital that the Gardaí recognise that law enforcement is not simply concerned with an offender-orientated investigation. The investigative process must also embrace victim-related responsibilities including the provision of information on the progress of a case until it is closed, or passed on to another authority.

3.9 Satisfaction of Victims with Family Liaison Officer

Garda Family Liaison Officers are appointed to provide support to victims effected by traumatic crimes such as homicide and false imprisonment, and other serious crimes where it is deemed appropriate by the local superintendent. The role of the Family Liaison Officer is to keep the victim, or the victim’s family, informed on all matters relating to the crime and to provide practical information and support. In the postal survey, respondents were asked about their satisfaction with the support provided by such an officer. There were 294 valid responses to this question. The largest cohort of responses (84.7%) noted that they did not have a Family Liaison Officer assigned to their cases. Of the 45 respondents who reported that they had a Family Liaison Officer assigned to their case, 66% (30) were satisfied or very satisfied, while 22% (10) were dissatisfied or very dissatisfied, and 11% (5) did not know.

Fig 3.12: Victim Satisfaction with support provided by Family Liaison Officer (excluding not relevant category) (Victim Postal Survey)



Though the sample that had contact with a Family Liaison Officer is small, it is clear that of those who used the service, the majority were satisfied with the support provided. This is also borne out in the interviews with victims. Bernice, for example, whose children's father had been murdered in a different county, was very positive about her liaison officer and his contact with her.

I had a direct line to him...He kept me informed...He kept me up to date even when the person was being charged, even before media came out about it. He advised me not to read papers or listen to the radio or the TV...I really felt I had a private line straight to him which was good...

(Bernice)

He has been fantastic and I'm still in contact with him...We met up several times before the trial...He kept me informed throughout the whole time and he came down to the funeral as well...He was excellent... I think it was there he gave me all the information leaflets...

(Bernice)

Similarly Paul, whose daughter had been raped and murdered, relied on the liaison officer for support and information.

There was a liaison officer [name]. He was actually very nice...He was here in [town], an extremely nice guy...and very neutral sort of fellow...[He] was very helpful in every situation. He kept me informed the whole time...I went down to see him in the guards' barracks. Anything new that they got they would actually ring and say come down...

(Paul)

Catherine, whose brother had been murdered, had also only positive things to say about the female liaison officer who was assigned to their case. The liaison officer met with Catherine and her other siblings the day after they were told about their brother's death and she was available to answer all the questions they had in relation to the investigation.

I couldn't say a bad word against her...She was brilliant and once they realised that this was a clear cut murder..., their whole attitude changed, I think in the beginning they did think [deceased brother] was some kind of pervert...

(Catherine)

Another interviewee who valued the support from a liaison officer was Gerry, a victim of kidnapping. The kidnappers were caught very quickly after the crime and the investigation also proceeded relatively fast.

[The liaison officer] in fairness kept us well up to speed with everything that transpired ...It was completely positive, we were kept up to speed We weren't in the dark about anything, any court case, court appearance, remanding or bailing, or stuff like that. We knew what was going to happen so we weren't watching TV or anything like that. We knew from them...[liaison officer]. He was a fantastic hero...

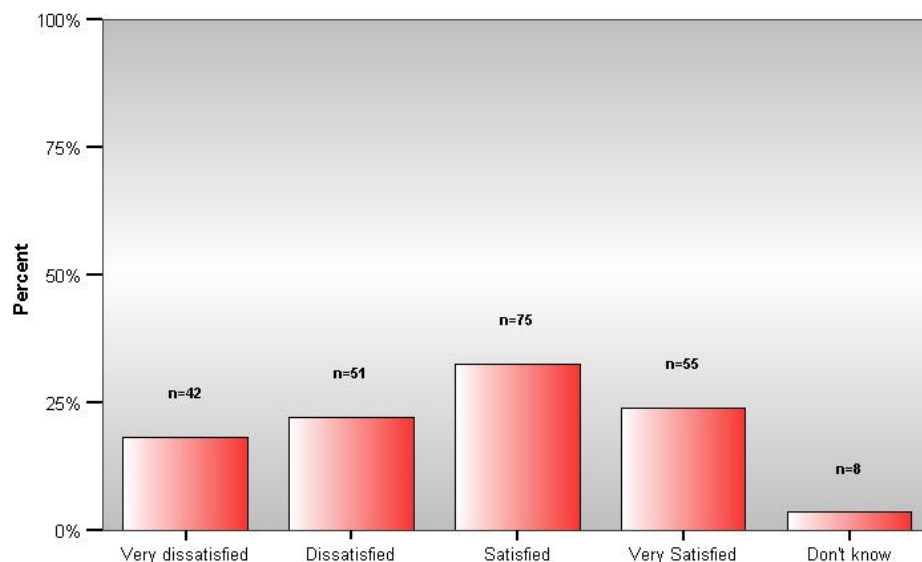
(Gerry)

The above findings clearly highlight the very positive contribution which family liaison officers can make to victim experiences of the criminal justice system.

3.10 Overall satisfaction with the Gardaí

There were 231 valid responses to the question which asked respondents how satisfied they were with their overall dealings with the Gardaí. 40.3% of respondents (93) indicated that they were dissatisfied (51) or very dissatisfied (42). 56.3% of respondents (130) expressed that they were satisfied (75) or very satisfied (55). 8 respondents (3.5%) did not know whether they were satisfied or not.

Fig 3.13: Overall Satisfaction with the Gardaí (Victim Postal Survey)



An overall victim dissatisfaction rating with the Gardaí of 40.3% is high. It is difficult to compare this figure with other studies undertaken, given the differing methodologies, target groups,³³ sample sizes, questions posed and assessment criteria employed. It is still worth noting (and bearing this caution in mind) that the Garda Public Attitude surveys and the Quarterly National Household survey demonstrate much lower dissatisfaction ratings. In 2008 and 2007, for example, the Garda Public Attitude Survey noted that the overall dissatisfaction rating with the Gardaí was 21%.

³³ Our survey, for example, targeted victims who had used victim support organisations, while the Garda Public Attitude Surveys and the Quarterly National Household Survey represented a sample of the general public, with a small proportion of victims.

The figure stood at 20% in 2006 and 2005 (Garda Research Unit 2008: 23). (please see reproduced table below). The Quarterly National Household Surveys of 2006 indicated that 13.2% of respondents rated the performance of the Gardaí in their local area as poor or very poor in 2006. In 2003 this figure stood at 11.5% and in 1998 it was 9.6%. 29.4% of respondents rated local Garda performance as average in 2006; this figure reduced to 28.2% in 2003, and 27% in 1998.

Table 40 Satisfaction with overall contact with the Garda Síochána

Survey	Very satisfied	Satisfied	Dissatisfied	Very dissatisfied	Total
	%	%	%	%	n
2008	20	59	15	6	3942
2007	20	60	15	6	3829
2006	20	59	14	6	4068
2005	25	55	14	6	4128
2002	27	55	13	4	4012

Some percentages do not sum to exactly 100 due to rounding. Not asked in 2003 and 2004.

Apart from dissatisfaction with the provision of information by the Gardaí in relation to the progress of a case and the lack of information on different services available, which have already been documented, the main reasons for dissatisfaction among the interviewees in this survey can be clustered under the following headings:

(i) Victims Feeling That They Are Not Taken Seriously

Harriet, who had her passport and her daughter's passport stolen from a hotel room in Dublin, felt that neither the hotel manager nor the Gardaí had taken her seriously.

Really I think the guards made us feel the same as the hotel, that we were the criminals and not the victims...They wouldn't acknowledge that anything happened...It was almost as if we were trying to cause trouble...that we were a complete nuisance...It was really only when we came home and said "hang on a second there's something not right about that."

(Harriet)

Ted, who was assaulted by his son-in-law, went for medical treatment immediately after the incident and called to the Garda station the next day to give a full statement. His daughter had taken close-up photographs of his facial injuries and the

investigating Garda also took photographs. Ted feels that it was because of the Garda's photographs that he later lost his case.

I gave a statement in [Garda station] the next day and that was when they took the photographs...but I would recommend...if they take photographs I think they should take them a lot closer. If it's of the face, take them of the face, not of the body....

(Ted)

The person I gave the statement to wasn't the person who had called to the house...He was helpful and respectful, but he just wanted to take a statement and get it finished, that was it, he took down the statement. We went in to a small room and we sat down one to one...He explained different things and then he took the photographs and then he said: "Think about it and if you want to be going over it again" because I was very nervous...But I wanted to go down when the injuries were bad and have the photographs taken...but it wasn't taken serious enough...

(Ted)

Ted could also not understand why the guards treated his son-in-law so leniently.

What I didn't like about it either was the police didn't take him away...They just said "drop around later to the police station the next day"...They left him in the house, they said to him "come around in your own time" which I thought was very wrong...They stayed a minimum couple of minutes...They were in and out...This was what annoyed me with the whole thing, from the word go, from the time they came on the scene, it wasn't taken serious...I was in a lot of pain...I was 66 years of age when this happened, he was 39 so it was a young man beating up an old man...

(Ted)

Kate, another victim of domestic violence, rang the police after her husband attacked her pregnant daughter. She had a safety order in place and was shocked to see that only one male Garda called to the house. Immediately after the arrest Kate brought her youngest daughter to a club where she was going to celebrate her 9th birthday. As she left the club she discovered the squad car with her husband arriving to the centre:

I brought her [daughter] down to the party. She had witnessed what had happened...and as I was leaving the squad car came down to the centre, where the child was, my husband was on the passenger side, the guard pulled up beside me: "I'm just bringing him, he just wants to wish his daughter a happy birthday." And I turned my car and went straight back down. My husband walked into the club on his own...This is a man who had been violent less than an hour...before, to a little girl who had witnessed this violence. The guard followed him in a couple of seconds later and stood outside, so my child

was humiliated that her daddy was there with a police man. The guard had no regard for the family...

(Kate)

(ii) Victim Made To Feel Like The Wrongdoer

Both Clodagh and Heather were victims of domestic violence. They felt they were victimised in having to leave their homes after the violent incidents:

He [brother] put his arms around me...The [female] guard said “would you stay with brother tonight?” So I said “Yeah, no problem at all”....In hindsight I was thinking, why did I have to leave my home?...

(Clodagh)

Heather had a similar experience after phoning the Gardaí late one night. Her partner had assaulted her for hours when she finally managed to ring the local Garda station from the bathroom.

I mean really, what were they thinking of...They begged me to leave the house there and then...Why didn't they take him? I said to myself, hold on a second, I'm moving out of here in a couple of days' time, I'm holding down a job, I have two young kids...All my family live in [west of Ireland]. I have still packing and things to sort out, how can I move out tonight? You know, things had to be done...They never asked him to leave. They asked me to leave and my two children; pull them out of bed in the middle of the night...I don't know why and I didn't know I could ask that question...I assumed that he had every right to be there...

(Heather)

(iii) Victims' Experiences of a Lack of Empathy/Understanding

Catherine whose brother was murdered in his apartment felt that the Gardaí displayed very little understanding of her family's need to be informed about the crime. The crime was reported in the media before the family was informed about it. When Catherine raised the issue with the Gardaí, they argued that they could not inform relatives of the victim until they had investigated the crime scene and as the victim's head was covered with a bag the identity remained unknown. Catherine, however, believes that her family could have been told that a body had been found in their brother's apartment. She also expressed her disquiet about the fact that information about the crime was leaked to the media.

By the time the guards came out to [my brother] and confirmed it...[My daughter] told me: “The guards are involved, there are suspicious circumstances”, and I thought “Oh, my God, finally he’s cracked under the being gay thing and committed suicide”... [My brother] rang me to say what was in the newspaper, and I didn’t even know at that stage how [my brother] had died. Nobody did because there was no post mortem...A very good friend of [my murdered brother] told us that she could not work for five days because she was devastated how we heard. She knew at 6 o’clock on Wednesday evening from the person who found him...The guards’ explanation for it was that [my brother] was lying on the couch and he had a sheet over him and he had a plastic bag over his head...and they had to do...fingerprints...And until the bag was taken off his head they didn’t know it was him. That was their reason, but I mean, couldn’t they have said something to us, someone’s dead in your brother’s apartment...?Who spoke to the papers? When they couldn’t speak to us? We didn’t know at all, his own family...My aunt coming down the train Thursday evening...she could have picked up the Evening Herald... That could have happened...We did go in to see them and that’s the reason they gave us...[A friend of my brother] went in to [the garda station] on Wednesday evening and gave them my phone number and my address...They had that information on Wednesday night...If [my brother] hadn’t rang them on Thursday, when were they going to tell us?...

(Catherine)

Brendan, a victim of domestic violence, was also dissatisfied with the lack of understanding by the Gardaí:

The guards should have better insight to the whole area of what can happen and a better understanding, because I feel that they don’t have enough understanding of it...There’s an awareness of domestic violence, but not proper training...There should be much more awareness, there should be particular people dealing with it, not just any garda that would get the call. It should be specifically trained people who know how to deal with it, who know what services are there.

(Brendan)

One respondent, in answer to the question in the victim survey about how the criminal justice system could be improved, suggested that there should be more training for Gardaí on domestic violence:

[The] Gardaí do not seem to be sufficiently trained to deal with domestic violence cases. It states in their domestic violence policy that there should be “continued liaison with the victim”.

(Victim of domestic violence)

The investigating Garda's familiarity with the defendant and her family was a source of dissatisfaction to Valerie, a victim of dangerous and careless driving.

On the second date in July, that day I watched and observed the behaviour of investigating guard and I was quite interested to see that he was greeted on first name terms by her [the accused] and her family and that made me sit up and think, gosh, and you're the boy who arrested her?...It made me doubt his integrity...

(Valerie)

Another victim of sexual assault, John, initially believed that he had the support of the Gardaí, although he felt extremely vulnerable and exposed giving his statement.

Twenty four hours after [the incident] I went in...The guard came to the hatch and I asked for a gay liaison officer and I was told there wasn't one and that he could deal with me...Once he said he could help me I believed he could...I made a minor statement at that point with brief details...I also gave them evidence, there was also some photographic evidence and stuff taken...by the guards...My housemate who was also a witness was also present with me...I didn't feel that the treatment I got, although they were...on certain levels obviously aware of how difficult this was for me...I still felt that I was overly exposed...I didn't feel that I had the support there that I needed being a gay person...

(John)

John was also frustrated by the fact that he had been trying to contact the investigating garda for several months without any success only to receive a phone-call late on a Friday night informing him that there would be no case at all. John is convinced that this insensitive attitude from the Gardaí related to the fact that he was gay.

Catherine also believes that homophobic prejudices³⁴ influenced Garda attitudes surrounding the murder of her brother who was gay, in particular during the initial investigation.

[The] investigating garda went to school with [my brother]...Is it hard to blame them? We all have prejudices...In [my brother's] case, 'you must be a pervert...maybe you caused it yourself...'

(Catherine)

³⁴ See Garda Research Unit and Kiran Sarma (2004), A Review of Research on victimisation of the gay and lesbian community in Ireland (Research Report No 4/04) (Garda Research Unit, Templemore)

(iv) Lack of Protection and Security

Many victims in this research study also highlighted the need for the Gardaí to be sensitive to the heightened feelings of anxiety they experienced, particularly those who had been intimidated or were vulnerable. In such circumstances the Gardaí should be very conscious of the need to provide an enhanced service which provides advice and support designed to prevent repeat victimisation. Many of the victims in this survey emphasised concerns about their protection and security. For example, Tracy, a victim of domestic violence, continue to receive phone calls from her abuser up to entering the Garda station to report the crime.

I didn't report it first...At the end of it...that last beating I got...[I] rang my Dad [to] come and collect [me]...We had photographs and CD recording of him threatening me...My dad kept on at the guard...I was getting phone calls right up until I was in the Garda station...In the end they [Gardaí] took me into an interview room...I made statement there and then to them...[The Garda] was nice...He was very understanding and compassionate... "We'll arrest him...We know where he lives"...False promises...They didn't...

I think once you get into the guards...they should push help towards [you]...[They should] make sure you have some help, some support...[They should] stay in contact with you regards the case...Protect you more...They could do a lot more to protect the innocent people...A crime is a crime regardless of who you are and what you know...

(Tracy)

Tracy continued to receive phone-calls from her ex-boyfriend even after her visit to the Garda station. She moved back in with her parents and rang the Gardaí several times as he was standing outside the house waiting for her to come out.

They could have picked him up there and then. He told me where he was, he wanted to meet up with me...They could have arrested him...They said they had to put files together...If they had arrested him then the court case mightn't have taken a year...I had to leave my family and everything to get away from him...I was let down by the guards...I had to give up my life...I never got anything...Nothing...All they said was: "we'll pick him up." And they didn't...They didn't give me anything...

(Tracy)

Heather, who also suffered domestic violence, had a similar experience after phoning the guards late one night. Her partner had assaulted her for hours when she finally managed to ring the local garda station from the bathroom.

They [the Gardaí] never went upstairs, never checked the havoc, never checked the children, drawers upside down...[The] guards took no photographs, didn't check the house...They didn't ask were the children alright...They didn't think about my children...

(Heather)

Heather remained in the house that night despite the Gardaí asking her to leave. She had nowhere to go and they did not offer any other advice or support. Furthermore, she felt that her partner had got the anger out of his system at that stage and that she trusted that he would not touch her again. She had already planned to move out of their house and she did this a couple of days later.

Barry, a victim of assault, experienced the investigation process as very long and he was also frustrated that the court case was put off several times due to adjournments. In the meantime he met his attacker on several occasions, something which made him feel very uncomfortable.

I bumped into him [the perpetrator] a few times....before the court case...[The case] dragged on....two years....adjourned back and forth...I know it's a long process...Guards can't do much...I knew it was going to take a long time...I would have liked it if they [the Gardaí] could have kept this guy away from me in the meantime...But nothing happened there....

(Barry)

Ted, who was assaulted by his son-in-law in his daughter's house, had also expected that his assailant would have been arrested immediately. He thinks that the Gardaí did not take it seriously as it was within a domestic setting.

I think if it happened on the street, with two strangers, the person committing the crime would have been detained by the police, not being told "call at your own leisure"...That to me was very flippant...It was a serious crime and no one knew the injuries I had...He should have been charged with attempted murder, but they just looked at it as domestic violence...It's just another row and we let it go...

(Ted)

In the postal questionnaire, one respondent, in response to how the system could be improved, noted the following:

[I] would have liked if the Garda informed me about the refuge when I made the call after being abused. It was a social worker many weeks later. I am sad that I spent those weeks feeling lonely and isolated...I feel that it's hard that the women have to leave the home, and I'm safe here but I can't have a normal life. Yet the men can still have their freedom and women have to hide to be safe.

(Victim of domestic violence)

Another respondent noted:

Victims generally have no voice, a traumatised person is not capable of looking at lists of groups and picking the one that suits...Damaged broken people need more than a help-line. They need a safe place to recover and an assurance that a real effort is being made to round up criminals (in my case the dogs in the street knew who they were).

(Victim of criminal damage, fraud, deception, robbery/burglary)

In contrast, Kylie, also a victim of domestic violence, was very satisfied with the information she received during the investigation process and the instant response from the investigating Garda when she phoned him to say that her ex-boyfriend was outside the house: "All the information I got was spot on...times I had to ring him...he was outside my house...Within ten minutes they were outside my house..."

The data presented above highlights how the specific practices and responses of individual professionals can have a profound impact on the experiences of victims.

3.11 Conclusion

Overall the victim survey indicates that slightly more than 1 in 5 of the respondents did not report the crime and in the majority of cases it is clear when a crime was reported, it was the victim himself or herself who reported it (74% of valid responses from the questionnaire). It is also clear that of those who reported the crime, the majority reported it immediately. This facilitates the investigation of crime, but it also means that the Gardaí should be aware that many victims, when reporting, will be

traumatised and upset by the events that have occurred. Roughly 1 in 10 of the respondents who reported a crime indicate that they did not receive the name of the Garda to whom they reported the crime; 1 in 5 indicated that they did not receive the contact details of the investigating Garda; 1 in 2 indicated that they did not receive the pulse incident number; 1 in every 2 indicated that they did not receive a contact for a group supporting victims; and only 4 in every 10 respondents who reported the crime indicated that they received the number for the Crime Victims Helpline.

There also appears to be variations in practice in terms of the information provided to victims of crime by the Garda at reporting stage. Although roughly only 1 in 10 victims of crime are not receiving the name of the Garda to whom they reported the crime, and 1 in 5 are not receiving the contact details of the investigating Garda, far greater numbers of victims (roughly half) are not receiving the Pulse incident number, a contact for a group supporting crime victims, and a number for the Crime Victims Helpline. These figures are high, particularly so when it is borne in mind that the Gardaí have committed themselves under the Garda Charter for Victims of Crime to provide information on the Crime Victims Helpline or the Irish Tourist Assistance Service (ITAS) and other relevant support organisations. The Garda Charter also commits to providing victims who report a crime with a letter providing them with the name of the investigating Garda, details of how to contact the Garda and details of the PULSE Incident Number and the number of the Crime Victims Helpline or ITAS as appropriate. Furthermore, this research would suggest that victims are not being systematically requested for their permission to have their details referred to a victim support groups. Only 25% of respondents to our postal survey confirmed that a Garda did ask for their consent to pass their details to a group supporting victims of crime. It is not clear from the postal survey whether the remaining 75% were referred to a voluntary sector group or not.

Roughly 7 out of every 10 respondents indicated that they were either satisfied or very satisfied with Garda sensitivity during the statement-taking process. More than 4 in every 10 respondents expressed themselves dissatisfied or very dissatisfied with the information provided by the Gardaí during investigation stage. There was an overall victim dissatisfaction rating with the Gardaí of 40.3%. From the qualitative results, it appears that the reasons for the dissatisfaction related to Garda failure to provide

information at reporting and investigation stages, the victim's perception that he or she was not being taken seriously, the victim's perception that he or she was being perceived as the wrongdoer, the lack of empathy or understanding provided by the Gardaí, (particularly in respect of vulnerable groupings such as gay victims), and the lack of protection and security provided to victims.

Finally this research revealed high rates of satisfaction among the small number of respondents who had contact with a Family Liaison Officer. It is clear that of those who used the service, the majority were very satisfied with the support provided.

Chapter 4: Crime Victims Helpline

4.0 Introduction

This chapter examines the responses and issues arising in relation to the Crime Victims Helpline (CVH). The Helpline was established in 2005 and aims to provide support, information, and empowerment for victims of crime. It offers support and an initial contact point for victims and their families.³⁵ The Helpline also make referrals to general and specialised support services, provides information regarding the criminal justice system, support services locally and nationally and liaises with other organisations. The Helpline is examined separately in this report from other support organisations because it plays a different role within the victims' support network. Whilst it does provide specific services as part of its remit, its primary role is the provision of information about services available to victims of crime and about the rights that victims may have. As part of this it undertakes a very significant function in referring victims onto independent specialised assistance. In this way it plays an

³⁵ The Crime Victims Helpline answered 2,413 calls in 2008. There are also a number of other helplines not supported by the Commission for the Support of Victims of Crime. The Women's Aid National Freephone Helpline, for example, answered 10,140 calls in 2008. Similarly, the Dublin Rape Crisis Centre helpline dealt with 12,741 calls in the same year. Many victims therefore approach these helplines directly rather than contacting the more general service provided by the Crime Victims Helpline. There are also a number of more specialised helplines such as Children at Risk in Ireland (CARI), the Irish Tourist Assistance Service and Missing in Ireland Support Services.

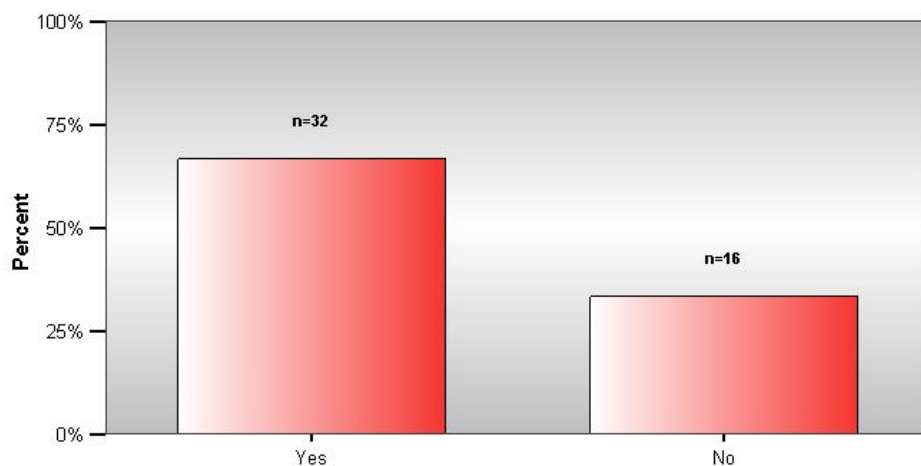
important role as an entry point for many victims into the network of support services available to them. The Helpline is therefore a key “front line service” in relation to victims and it would be expected that its existence and role in this context would be well recognised and understood.

4.1 Knowledge of the Crime Victims Helpline

In order to ascertain the general level of knowledge about the Crime Victims Helpline, both amongst the public and professionals working with potential victims, the research included questions about the Helpline in both the Street Survey and Community Awareness Survey.

As part of the Street Survey people were asked the question: “Have you ever heard of the National Crime Victims Helpline?” Of the 48 people responding, 32 (66.7%) confirmed that they had heard of the Helpline.

Fig 4.1: Awareness of the National Crime Victims Helpline (Street Survey)



As part of the Community Awareness Survey, 23 representatives of professions and groups within the community were asked if they were aware of any organisations providing support to victims of crime. This question sought to identify the level of awareness of victim support groups among key community based actors to whom victims may turn for help or advice. It is these groups/people who will be sources of

information on victims' support, particularly for those victims who choose not to report crime to the Gardaí. As a result of this question the Community Awareness Survey revealed that just 2 participants, both working in Citizen's Information Centres, could name *unprompted* the Helpline. One of these participants went on to confirm that s/he had experience referring victims to the Helpline.

The Community Awareness Survey then went on to ask participants if they were aware of a number of named organisations. Over two thirds, 17 of 23, recognised the Helpline when prompted in this question.

These responses indicate that when prompted the majority of the respondents to the community awareness survey recalled the existence of the Helpline but only a minority were fully knowledgeable about it. This low level of awareness among key professional/community actors is significant given the potential role which these individuals play in providing an effective referral and information service.

As will be discussed further in Chapter 5 below, the level of knowledge/recognition in relation to almost all support organisations is problematic. Many respondents use the terms "victim support" or "victims support group" when asked about their knowledge of victims organisations without a clear sense of whether they are using this term generically or specifically.

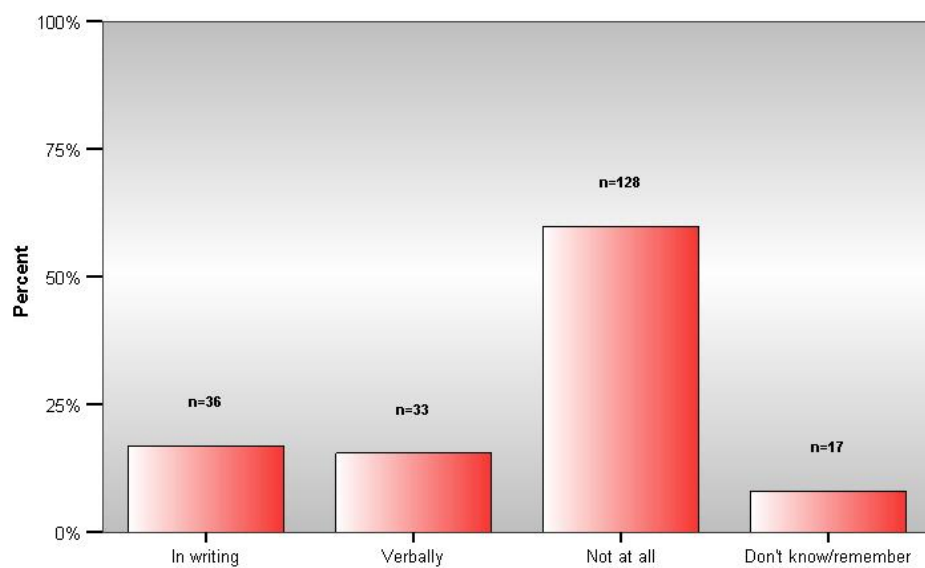
However, the low level of recognition of the Helpline highlights the fact that information about the Helpline should be directed to professionals and key community workers who act as an important access point to information for victims. This targeting of information is crucial if the Helpline is to operate to its full potential in providing an effective referral and information service.

4.2 Referral to Crime Victims Helpline by Gardaí

As was noted in chapter 3, of those who reported the crime and answered this question validly (214 respondents), 16.8% of respondents (36 respondents) received a number for the Helpline in writing from the Gardaí; 15.4% of respondents (33)

received it verbally; 59.8% did not receive it at all (128) and 7.9% (17) did not know or could not remember.³⁶

Fig 4.2 Crime Victims Helpline – details received from the Gardaí (Victim Postal Survey)



The interviewees who received the number from the Gardaí emphasised its importance. Barry, a victim of assault, was given the phone number to the Helpline by a Garda.

³⁶ The failure by the Gardaí to pass on the number of the Crime Victims Helpline to victims may, in part, explain the limited use made by victims of the Helpline. Only 31.4% of survey respondents indicated that they had contacted the Helpline. The large numbers of victims using more specific helplines may also partially explain the relatively low numbers using the Crime Victims Helpline.

I asked the guard if there was anything I could do...a wee brochure or something, so I contacted them [Crime Victims Helpline] around four to six weeks after it happened...I contacted them about two or three times...They sent out volunteers to me who supported me through the whole thing, they were very nice...They came out once, I asked them about counselling...They asked me how I was...They'd give me some names...It was good to speak to somebody...The victim support was good, out of the blue every now and then they'll ring up to ask how things were going...

(Barry)

Donal received written information about the Helpline from the Gardaí after a burglary.

I think the guards gave me a number to ring and they answered straight away...They were very sympathetic and sent me literature...

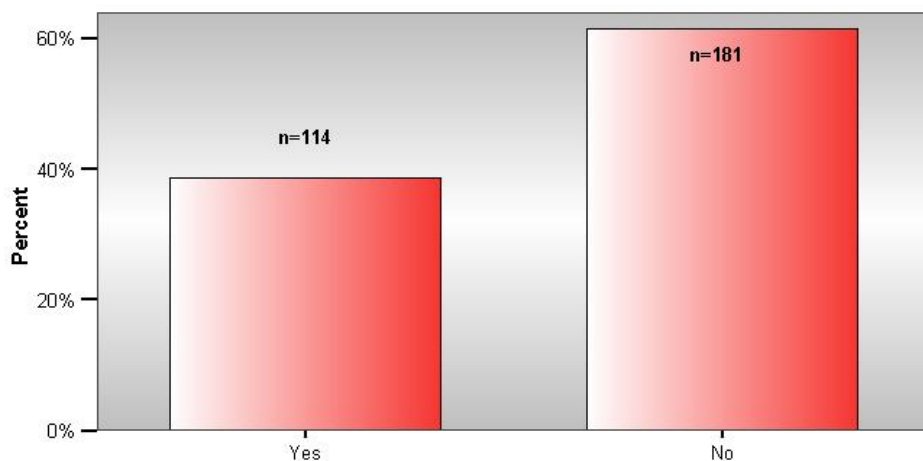
(Donal)

Significantly, more than half of the respondents who validly answered the question reported that they had not been given the number by the Gardaí. In the interviews, many victims outlined how they discovered this information. This material is outlined in section 4.3 of this chapter.

4.3 Contacting the Crime Victims Helpline

In order to establish the level of use of the Helpline and experience of that use amongst victims of crime, the victim survey asked a number of specific questions. When asked if they had contacted the Helpline, 38.6% of respondents (114) who replied to this question said they had, indicating that just over a third of respondents had utilised the Helpline.

Fig 4.3: Contact with the Crime Victims Helpline (Victim Postal Survey)



This means that the majority of respondents (61.4%) had accessed the services of support organisations other than through the Helpline. When those who contacted the Helpline were asked to identify how they had become aware of it, the Gardaí emerged as the most common source of information with 35.8 % (38) identifying them.³⁷ Family and friends (18.9 % or 20 respondents) and the phone directory (9.4% 10 respondents) were also identified as common sources of information about the Helpline. Other sources of information identified by respondents included victims support organisations, criminal justice organisations and newspapers.

Insights into experiences of accessing information about the Helpline were provided in both the Community Awareness Survey and individual interviews with victims. One respondent to the Community Awareness Survey who knew of the Helpline, observed that s/he had “struggled to find the number to the Crime Victims Helpline when [s/he] googled for crime victim support.”

In the interviews with victims, some interviewees reported that they had become aware of the Helpline themselves and subsequently sought out contact information. For example, Phil, a victim of an assault on the street, rang the Crime Victims

³⁷ 69 respondents were provided with a contact number for the Crime Victims Helpline by the Gardaí. 40 of these made contact with the Helpline.

Helpline a couple of months after the incident. It was a friend who was concerned about him who gave him the number and asked him to ring.

A friend in college told me about it...I wasn't going to do anything about it... but I got to a stage where I got a bit upset so she got on to the number...so I was talking to the person who was asking how I felt, and I was not too bad. I was more really embarrassed what had happened to me, because it was basically my fault for being drunk, but it wasn't my fault for nearly losing my eye and getting a couple of stitches and being picked on because you're drunk.

(Phil)

Phil felt supported by talking to someone who listened and who also rang him back later to check on him and see how he was coping. Phil's assailants were never arrested and he did not hear anything back from Gardaí after giving his statement, so the support from the Helpline was the only follow up he received.

John, a victim of sexual assault, found the number to the Crime Victims Helpline on the Internet.

The Internet...five months later...I rang but I also went to the Citizens [Information Office] you know, for the free legal advice, after I contacted the help line...I had no confidence in them [the Gardaí] anymore...She [woman in Crime Victims Helpline] put me in touch with a clinic with solicitors...All the other bits given to me to go forward were given to me by the Crime Victims Helpline....[She was] extremely pleasant and friendly and conscious of what was happening and what I was going through and I did not find her patronizing and condescending....which I found the guards were.

(John)

Another victim of assault, Ted, got the number to the Helpline in a booklet about going to court, which he found in his local library. He decided to ring for support as he was dreading the court experience:

I was in the library one day and I saw these books in the library...but I've never seen them advertised in the papers or ads on television or anything like that...It's pretty unnerving [going to court]...so that's why I got in touch with the victim support people....the Crime Victims Helpline...I got in touch with them a couple of days before hand...I rang them twice...gave a history of the case...I was quite pleased with them...that they acted so quickly and there was people that understood what I was talking about...

(Ted)

Valerie, a victim of dangerous and careless driving, found the number to the Crime Victims Helpline in the same booklet as Ted. She phoned the helpline as she felt increasingly frustrated with the slow process of the criminal justice system:

Two years [after the crime]...I phoned...They had an answering machine and I left a message with my details...It might have been two days later when the lady phoned me back...I had felt that there must have been someone else somewhere else who was experiencing the same thing, so I had asked Gardaí, in relation to the process, if they could put me in contact with a support group. I didn't receive this information directly, but when I went to make another statement in my local Garda station I picked up that little purple booklet with information about the DPP and attending court as a witness and it [the number to Crime Victims Helpline] was in the back of that...It was just lying in the waiting area and I just said if anyone would have told me a year ago this book was available I would have been so appreciative...

(Valerie)

Harriet, who had her passport stolen, found the number of the Crime Victims Helpline in the phone book.

It was after about a week, or two weeks later, I actually got the number from the phone book... I had heard people talking about it...I just looked up crime in yellow pages...They answered straight away, she was very helpful, the lady I was speaking to was fantastic really.

(Harriet)

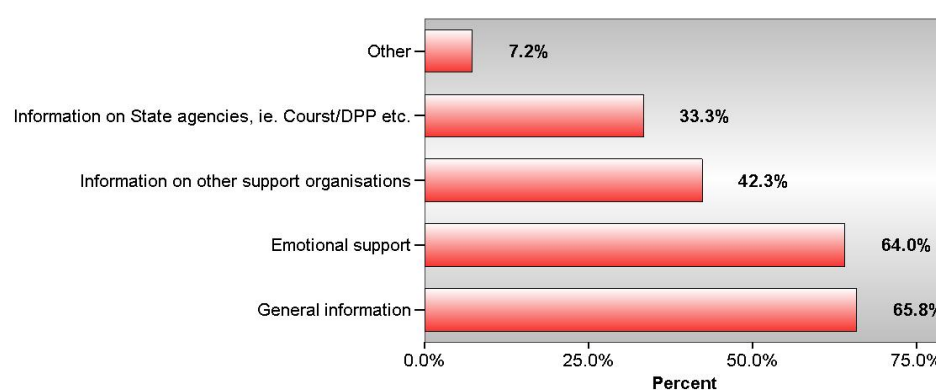
Overall the data collected regarding awareness of, and the provision of, information about the Crime Victims Helpline indicates that victims are not systematically receiving or locating such information.

4.4 Services Utilised

Having established how common it was for victims to contact the Helpline, the victim questionnaire went on to ask those who had been in contact with the Helpline which services they had accessed. Respondents of the Victims Survey were asked to indicate which of a list of possible Helpline services they had availed of. The services listed included information, emotional support, and issues regarding referrals. Well over half (65.8%) of those who responded stated that they had availed of the Helpline for the purpose of “general information”, whilst a similar number (64%) said they used

the Helpline for “emotional support”. Nearly half of respondents had availed of information about other support organisations (42.3%) and just over a third had availed of information about state agencies (33.3%).

Fig 4.4: Services Utilised (Victim Postal Survey)



The data collected from the interviews with victims revealed that in fact many respondents accessed multiple services offered by the Helpline. The accounts provided by some of the victims suggest that the Helpline provides a very useful and effective service which acts as an entry point allowing victims to access not only information but also ongoing emotional support and reassurance

I think the guards gave me a number to ring and they answered straight away...They were very sympathetic and sent me literature...If we need counselling I could get in touch with them...They offered the counselling...

(Donal)

Donal highlighted the fact that he felt supported by the knowledge that there was somebody that he could phone and talk to and that he knew he could ring this person anytime. Barry, a victim of assault, also commented that “... it was good to speak to somebody...”

The research clearly highlighted how significant it was for victims to have access to a person who was prepared to listen to their fears and concerns, and offer reassurance.

The victim responses both in the postal survey and the interviews repeatedly reiterated how important it was to be able to contact someone and have their concerns acknowledged in a sympathetic way. This is indicated by the fact that when answering the question about which Helpline services they used, 64% of those responding indicated that they had sought out emotional support, nearly as many as those who had been seeking information (65.8%).

However, for some victims, a telephone conversation is insufficient to deal with their needs; more direct and personal contact is needed. Kylie, a victim of domestic violence experienced this:

My mother and father [rang the Crime Victims Helpline] and the phone was passed on to me...I just couldn't focus on anything. I was in a lot of pain and I was extremely scared...I didn't want to admit that it was real even though the whole injuries did say, look it did happen...A couple of months going through that...It just didn't register with me straight away...The woman wanted to talk to me...She wanted me to realise that there was support out there and that it wasn't my fault...It was helpful initially but when I was off the phone I was feeling just as bad...

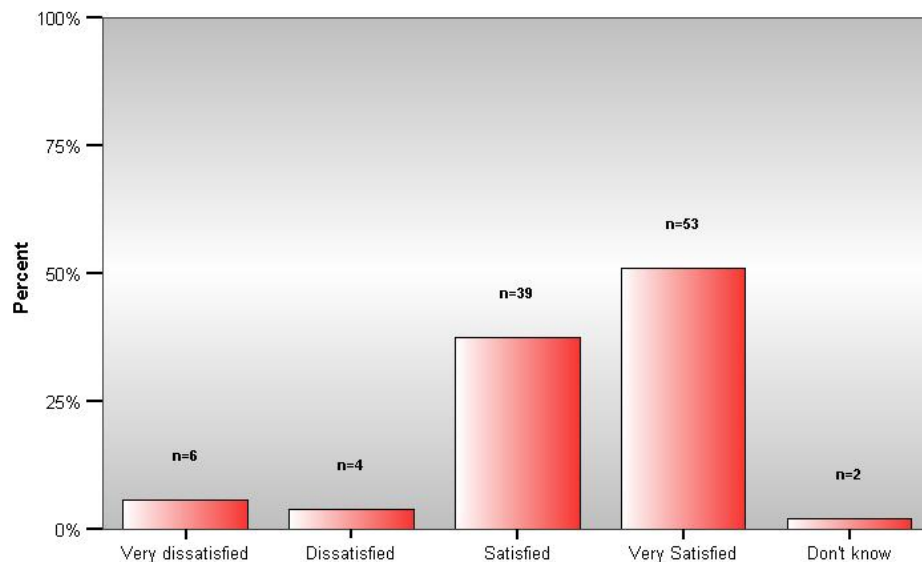
(Kylie)

This emphasises the value of referrals made by the Helpline. Initial contact is important not only in reassuring victims but also in highlighting the services that are available. When victims first make contact with the Helpline they are often in a traumatised state and not able to make decisions at this early stage. Follow-up from support workers and an effective referral process is therefore important.

4.5 Satisfaction with the Crime Victims Helpline

In order to assess the level of satisfaction of those using the Crime Victims Helpline services, the victim survey asked: "How satisfied were you with the response from the Helpline?" Overall there was a very high satisfaction rating. Fifty three respondents out of the 104 valid responses (51%) stated that they were very satisfied and another 39 (37.5%) indicated that they were satisfied. Four respondents (3.8%) stated that they were dissatisfied and a further 6 (5.8%) stated that they were very dissatisfied.

Fig 4.5: Satisfaction with the Crime Victims Helpline (Victim Postal Survey)



Interviewees provided a clearer picture of what the Helpline was doing well and why there was such a high satisfaction rating with the services they provided. Aspects of the Helpline service which victims appreciated included promptness in answering the phone and the helpfulness and understanding displayed by staff. Harriet, a victim of theft, stated: “They answered straight away, she was very helpful, the lady I was speaking to was fantastic really...[T]hey were very nice...”.

The Helpline’s efficiency in providing much needed information was praised by many interviewees who reported that they were seeking very specific types of information.

John, a victim of sexual assault, was looking for contact details for a solicitors’ firm:

I knew I was looking for a list...and that’s what I got...I needed to get legal advice. It was mainly to speak to somebody from a legal perspective...I had no confidence in them [Gardaí] anymore...She [woman in Crime Victims Helpline] put me in touch with a clinic with solicitors...All the other bits given to me to go forward were given to me by the Crime Victims Helpline...

(John)

The empathic approach of the support staff was also highlighted as was their helpfulness, understanding and lack of patronising tone:

[She was] extremely pleasant and friendly and conscious of what was happening and what I was going through and I did not find her patronising and condescending...which I found the guards were...I felt that her concern was coming from her heart...It was like a vocation for that woman that she was there to do a job...and she genuinely wanted to help...

(John)

The accessibility of the organisation was very important for many interviewees, as was the fact that the Helpline would call back over time to follow up on their clients and check on their progress and needs:

The victim support was good, out of the blue every now and then they'll ring up to ask how things were going...

(Barry)

Victims of what might be considered less serious crimes such as burglary and theft also noted that whilst they felt their cases were not considered important by the authorities the Helpline took their needs seriously.

One issue that emerges from interviews was that of referral from the Helpline to other organisations and the related issue of communication. Two interviewees who were very pleased with their overall experience of the Helpline received follow up visits and court accompaniment from volunteers, but they were unable to identify which organisation had provided those services. Barry contacted the Helpline a month or so after the crime occurred.

They sent out volunteers to me who supported me through the whole thing, they were very nice...They came out once, I asked them about counselling...They asked me how I was...They'd give me some names...It was good to speak to somebody...

(Barry)

However, when asked who the volunteers were or which organisation they came from, he was unable to say with certainty, although he was grateful for what they did for him.

In Ted's case he enquired about court accompaniment which was provided to him, but similar to Barry, he did not know where the woman providing the court accompaniment service came from or what organisation she represented.

I don't know who it was, just a woman came along that particular day. She wasn't a legal person, she was an older person like myself. She was good...very helpful on that particular day.

(Ted)

It is perhaps not surprising that victims may not be able to recall all information regarding the support they receive. At stressful times such as attendance at court the issue of who is supporting you will be less important than the fact that someone is there to help. However, this in itself reinforces the need for all organisations and their support staff to systematically provide contact details to their clients, not least to ensure continuity of support by allowing follow up to be achieved should the victim need further assistance.

The role of the Helpline is significant as an entry point into the victims' support system. However, it cannot be regarded as the only system of support, or even the main system. When asked, victims were generally happy with the service they received from the Helpline, but regarded it as only part of the response to their needs:

“Damaged broken people need more than a helpline. They need a safe place to recover and an assurance that a real effort is being made to round up criminals.”

(Victim of burglary)

4.6 Conclusion

Access to information about victim support services is regarded as a minimum right under the European Commission's *Framework Decision on the Standing of Victims in Criminal Proceedings*. The Crime Victims Helpline is a key national organisation in the system of service provision for victims in Ireland but it is clear from this research that the provision of information to victims about the Helpline is currently inadequate. The findings also show that when victims do make contact with the Crime Victims Helpline the quality of support and information they receive is for the most part very satisfactory.

The general level of awareness about the Crime Victims Helpline among those who participated in the community awareness survey is a cause for concern. Only two thirds of key professionals/members of community group surveyed had heard of the Helpline when prompted. Given that the Crime Victims Helpline is viewed as a key access point for victims of crime to wider support services, it would be better if there was a far higher degree of awareness of the Helpline than this research revealed.

The lack of knowledge and understanding about the Crime Victims Helpline was reinforced by comments made by respondents to the Community Awareness Survey:

Victim support is so fragmented, there is such a multiplicity and [it is so] incoherent. If there was one common access, a portal, such as a phone line/website – one common website with links to various types of services. This is what is missing – a well recognised portal with links.

(Medical Doctor)

And:

I like the notion of a One-Stop-Shop – an entry point for all victims at a local level.

(Social

Worker)

The apparent lack of awareness of the existence and role of the Crime Victims Helpline among relevant professionals and community groups is likely to reduce their ability to offer effective support to victims. This lack of awareness also extends to members of the public. Even when prompted, 1 in 3 street survey respondents were unaware of the Helpline.

In terms of how victims became aware of the Crime Victims Helpline, leaflets, advertisements and the internet did not score highly as sources of information. This suggests that the promotional materials used by the Helpline may not be particularly effective in directly reaching crime victims. Victims reported gaining access to the organisation via a variety of routes, but mostly via personal referrals from the Gardaí or family/friends.

When the Crime Victims Helpline is accessed by victims they usually avail of a variety of supports. The importance of victims receiving a sympathetic hearing and gaining support from Helpline staff cannot be overestimated. However, the very

positive role currently played by the Crime Victims Helpline needs to be reinforced by effective communication between itself and those organisations to which it refers clients. The fact that some interviewees in this research were unsure who had assisted them after contacting the Crime Victims Helpline is troubling in the context of their situation. It is important that victims are provided with written details of the name of the individual and organisation who is providing support and those who provide support should have appropriate identification. Organisations need to establish and implement systematically applied protocols in this regard.

Chapter 5: Support Organisations

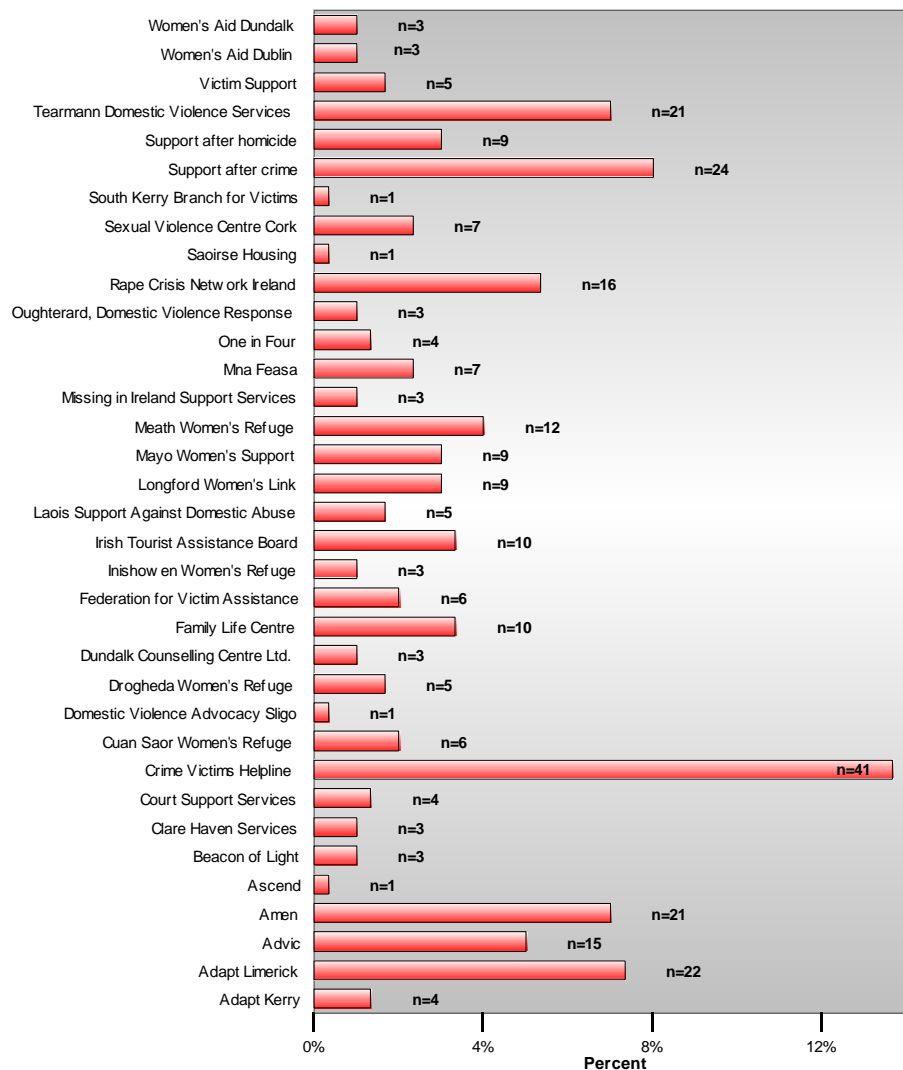
5.0 Introduction

Having considered victims' access to, and satisfaction with, the Crime Victims Helpline in the previous chapter, this chapter will examine similar themes in relation to the various support organisations currently involved in providing more direct and specialised services to victims of crime.

A total of 35 organisations were represented among the 303 questionnaires returned in the victim survey. The largest number of questionnaires came from the Crime Victims Helpline (41) followed by Support After Crime, based in Cork, with a total of 24 questionnaires completed and returned. Both of these organisations deal with victims generally. Victims who obtained assistance from 3 domestic violence organisations accounted for the next largest number of questionnaires. Twenty two questionnaires were received from victims who had used the services of Adapt (Limerick), while 21 questionnaires were received from victims who used Tearmann Domestic Violence Services, based in Monaghan. A similar number of questionnaires were returned from victims who received assistance from Amen, a group based in Cavan for men who suffer domestic abuse.

Sixteen questionnaires were returned by victims supported by the Rape Crisis Network and victims of murder/manslaughter who were assisted by AdVIC (Advocates for Victims of Homicide in Ireland) returned 15 questionnaires, while 9 questionnaires came from victims who were helped by Support After Homicide. The remaining number of completed questionnaires came from victims supported by a diversity of support groups, the majority being domestic violence groups for women.

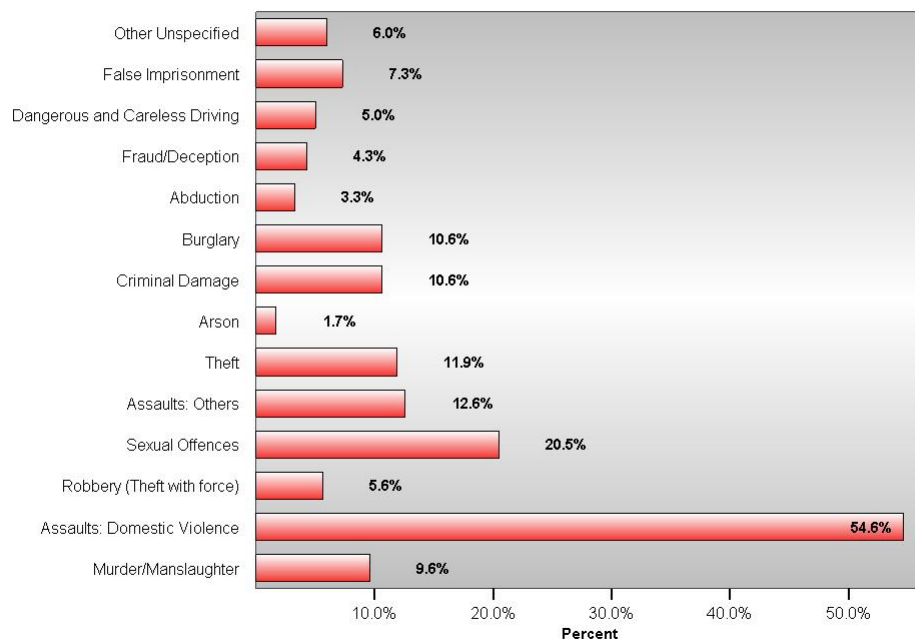
Fig 5.1: Breakdown of Survey Participants by Support Organisation (Victim Postal Survey)



As previously noted in the methodology chapter, the breakdown of respondents in relation to type of crime experienced revealed that the greatest number of respondents (165), representing 54.6% of total valid responses, reported being victims of domestic violence. The next most common type of crime experienced by respondents was sexual offences, which accounted for 20.5 % of total valid responses. Figure 5.2 indicates the level of respondents who experienced specific offences listed on the questionnaire. These included assault (12.6%), theft (11.9%), burglary (10.6%),

criminal damage (10.6%), murder/manslaughter (9.6%), and robbery (5.6%). Almost seven in ten respondents reported experiencing just one crime, with a further 15.5% reporting that they had experienced two crimes, 8.2% three crimes and the remainder experiencing four, five, six or ten crimes each.

Fig 5.2: Types of Crime experienced by Respondents (Victim Postal Survey)



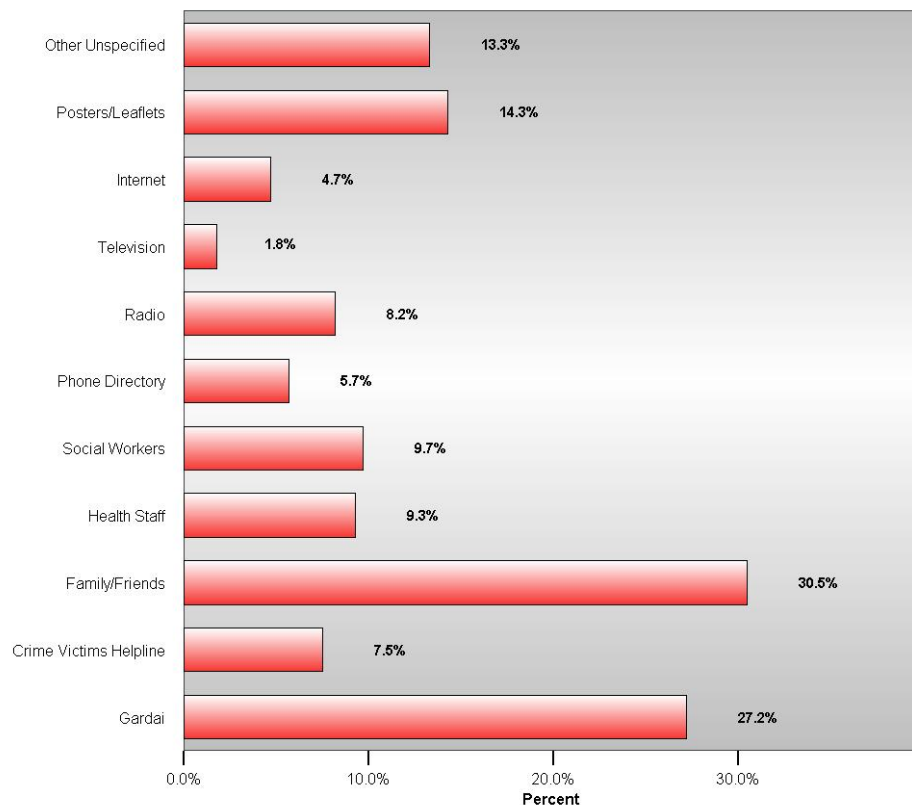
5.1 Hearing About the Organisation

In order to ascertain how victims accessed the services of victim support organisations, the victim survey asked the question: “How did you hear about the Support Organisation you are currently receiving support from?” 279 respondents answered this question with 30.5% reporting that they had heard about the support group through family and friends. The Gardaí fulfilled this function in just over one quarter of cases (27.2%) with support organisation information materials providing another significant source (14.3%).

As discussed in chapter 4, 38.6% of respondents (114) reported that they had used the Crime Victims Helpline. Many of these respondents accessed multiple services offered by the Helpline including information on other support organisations,

emotional support, general information, and information on state agencies (Courts, DPP etc). In particular, 47 respondents noted that they availed of the Helpline for the purpose of information on other support organisations.³⁸ This figure suggests that the Helpline is currently operating in a limited way as an initial contact for victims as a key referral organisation. Other sources such as the internet, phone directory, radio and television were identified as information sources by only small numbers of respondents.

Fig 5.3: Methods by Which Respondents Became Aware of the Support Organisation That They Receive Support From (Victim Postal Survey)



³⁸ 21 respondents noted that, at the time they answered the survey questions, they were using a support organisation that they heard of from the Crime Victims Helpline.

The spread of responses in relation to how victims heard about support organisations suggest that there is no one source of information about support organisations that is systematically availed of by victims.³⁹

The interviews with victims also highlighted difficulties in accessing such information. Victims often appear to have found contact numbers to relevant groups by chance or through word of mouth. Catherine, whose brother was murdered, cannot recall whether or not she received information from the Gardaí about any support group immediately after the crime. There was a general lack of information initially and also confusion surrounding existing victim support organisations. It was not until Catherine and her siblings were denied the right to see the Book of Evidence that Catherine began looking for support. She went to the Coroner's office on another matter and it was there she received written information about the support organisation.

The girl in there was really, really nice and she said to me: "Have you contacted [a support organisation]?" and she sent me out the [organisation's] booklet and I rang them then after the trial because we were so shocked that we could not see the Book of Evidence when we were told all along, there were so many unanswered questions...I chatted to [a support worker]...I found the booklet very helpful and factual, in practical ways, practical things you could do...You could speak to the pathologist...She also recommended that I'd go and see one of their counsellors...If I had known about them before the trial I probably would have been on to them a lot.

(Catherine)

Carol cannot recall being informed about various support groups by the Gardaí. She relied on the internet for much of her information and approached various groups for various different types of support. One particular support organisation ultimately proved to be helpful to Carol.

Initially, I didn't know what was out there. I was basically educating myself on what help was out there...I rang [one support organisation] first and they [referred me to another] and I just didn't look for anybody else because I didn't need anybody else because they answered all my needs...Regardless of what, I was assured always somebody on the phone, day or night.

(Carol)

³⁹ It should be noted that under the Victims Charter the Gardaí have committed themselves to issuing a letter to the victim, after a crime is reported, informing him or her, among other things, of the number of the National Crime Victims Helpline, and the national and regional organisations that support victims of crime.

The need for easily accessible and identifiable information about what services are available was also identified in the victim survey and interviews. As one respondent noted:

A traumatised person is not capable of looking at lists of groups and picking the one that suits. [What is needed is] a one stop shop that identifies [the] needs of [the] caller.

(Victim of criminal damage, fraud, burglary)

Confusion or controversy around groups can also have negative effects on a victim's ability or desire to access help. Catherine was critical of the general lack of information being provided to her initially and also the confusion surrounding existing victim support organisations.

In the beginning there was a lot of confusion. We might have been told about [support organisations] but we were probably not taking it in properly. Somebody told me that there were two or three groups and that there had been some sort of a split⁴⁰ and I thought I'm not able for that...but I rang one of the numbers...It was very early on and everything was very raw. [The woman] mentioned to me that there was no government funding anymore and that there had been some sort of split...So that turned me off...The actual bureaucracy of the state...

(Catherine)

The uncertainty found in the interviews about the identities, roles and competing territories of the different support groups was mirrored in the Community Awareness and Street Surveys.

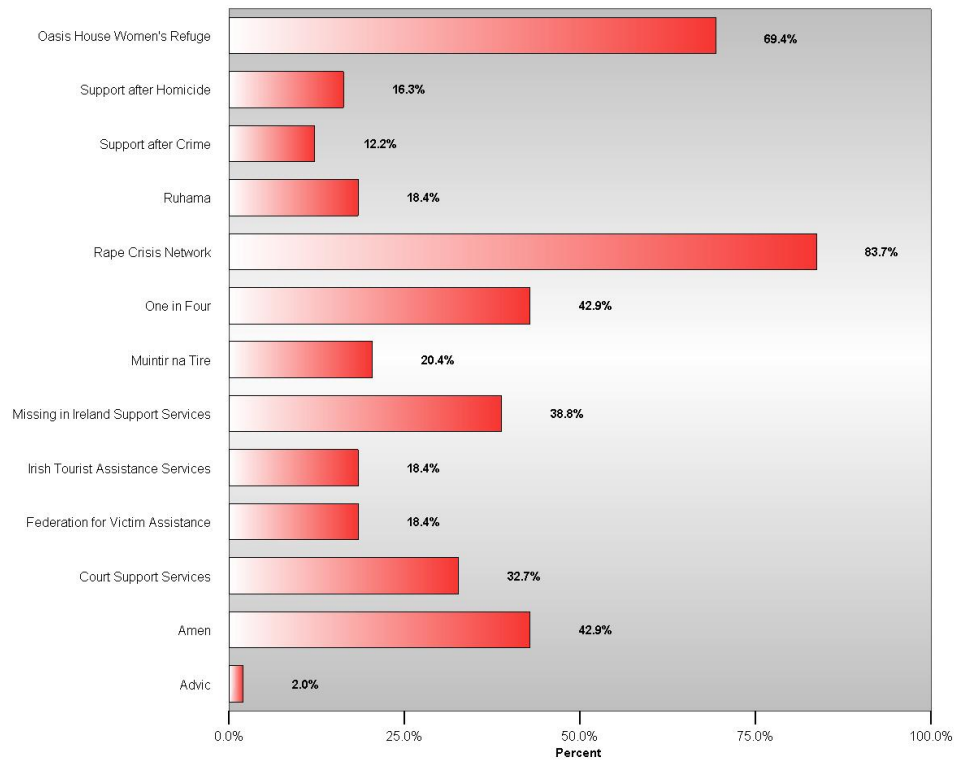
The Street Survey asked members of the public if they were aware of services available to support victims of crime. Respondents were prompted in relation to 13 organisations.⁴¹ The Rape Crisis Network received the highest rate of recognition (over 80%) with Oasis House Women's Refuge⁴² being the only other organisation to gain a recognition rating of over half (69.4%). Amen and One in Four both received a recognition rating of 42.9%. Around a third of respondents reported knowing of Missing in Ireland Support Services (38.8%) and Court Support Service (32.7%). All other organisations received a recognition rating of 20% or less.

⁴⁰ This refers to a period around 2005.

⁴¹ The 13 organisations were: AdVIC, Amen, Court Support Service, Federation for Victim Assistance, Missing in Ireland Support Services, Muintir na Tíre, One in Four, Rape Crisis Network, Ruhama, Irish Tourist Assistance Service, Support after Crime, Support after Homicide, and Oasis House Women's refuge.

⁴² Note that this support organisation is specific to Waterford city, the location of the Street Survey.

Fig 5.4: Awareness of Support Organisations (Street Survey)



The data from the Street Survey therefore shows that even when prompted many organisations had a low recognition rate indicating a poor level of awareness amongst the general public. The highest recognition rate was for the Rape Crisis Network, which has a local service where the Street Survey was conducted, closely followed by a local domestic violence service.

The Community Awareness survey of 23 key professionals and employees/volunteers in relevant community services revealed that 15 respondents could name a victim support organisation unprompted. Many referred to “Victim Support”, or a variation on that phrase, and it is unclear if this reference was to the former organisation or a generic title being used to cover a range of support groups.

When prompted, all respondents in the Community Awareness Survey indicated that they had heard of the Rape Crisis Network. High levels (over 80%) of prompted recognition were found in relation to Victim Support, Muintir na Tíre, the Sexual Violence Centre, and One in Four.⁴³ The response rate indicated little or no differences in awareness between respondents from the urban and rural areas surveyed. More than 90% of those from Cork city questioned had heard of Mná Feasa, a domestic violence service in the city, and all of those questioned in West Cork had heard of West Cork Women Against Violence, a domestic and sexual violence service.

Less than half of the respondents to the Community Awareness Survey had heard of organisations such as One Stop Shop, Cork⁴⁴ (43.5%), Irish Tourist Assistance Services (43.5%) and Court Support Service (39%). Approximately one quarter had heard of Missing in Ireland and AdVIC. Only 2 respondents in the Community Awareness Survey had heard of the very specialised victim support groups, Support After Homicide and the general crime victims' organisation, Support After Crime (with a headquarters in Cork city). Even when prompted, none of the Community Awareness Survey respondents indicated that they had heard of the Federation for Victim Assistance (with a headquarters in Tralee). It is clear that the names of these groups have yet to become widely familiar to people in the community.

⁴³ For the full list of organisations, see Table 5.1 below.

⁴⁴ This is a support organisation in Cork that provides a range of support services to victims of domestic violence.

Table 5.1: Awareness of Support Groups Among Community Awareness Survey Respondents

Organisation	Total known	Cork City	West Cork	Percentage
Rape Crisis Network	23	13	10	100
Victim Support	20	11	9	87
Muintir na Tire	19	11	8	83
Sexual Violence Centre	19	10	9	83
One in Four	19	11	8	83
Crime Victims Helpline	17	7	10	74
Mná Feasa	17	12	5	74
Amen	16	10	6	70
Ruhama	12	9	3	52
West Cork Women Against Violence	12	2	10	52
One Stop Shop Cork	10	5	5	44
Irish Tourist Assistance Services	10	5	5	44
Court Support Services	9	3	6	39
Missing in Ireland	7	4	3	30
AdVic	6	3	3	26
Support After Homicide	2	1	1	9
Support After Crime	2	2	0	9
Federation for Victim Assistance	0	0	0	0

The Community Awareness Survey reveals that there is some recognition of certain victim support groups by respondents, particularly when prompted, but many respondents reported that they simply did not have enough information about such groups to help their clients find suitable support:

You have listed a lot of organisations that I have never heard of. They should make themselves known to relevant people, such as GPs. I see many victims, but due to intimidations they do not want to go to the guards. If there was a lay person from an organisation that they could go to, if we were aware of such organisations... They could produce a booklet or something similar for us to have.

(Medical Doctor)

It was suggested by another respondent in the Community Awareness Survey that information about victim support organisations should be linked into already established information and support networks within communities:

We need to create awareness through Community Alert, and make it available as a linkage with Gardaí. These groups are very active in all rural areas. Citizens information centres have all these lists and could pass them on.

Support for violence against women is directly in your face and you know where these groups are. But if I was assaulted and robbed on the street, I wouldn't know where to turn.

(Medical Doctor)

Many respondents also voiced the concern that there were too many groups and they were too splintered, it was suggested that there should be a central point from where to access support for all types of crimes:

There are too many organisations out there – they are too splintered!

(Medical Doctor)

Victim support is so fragmented, there is such a multiplicity [of groups] and [they are] incoherent. If there was one common access, a portal, such as a phone line/website – one common website with links to various types of services. This is what is missing – a well recognised portal with links

(Medical Doctor)

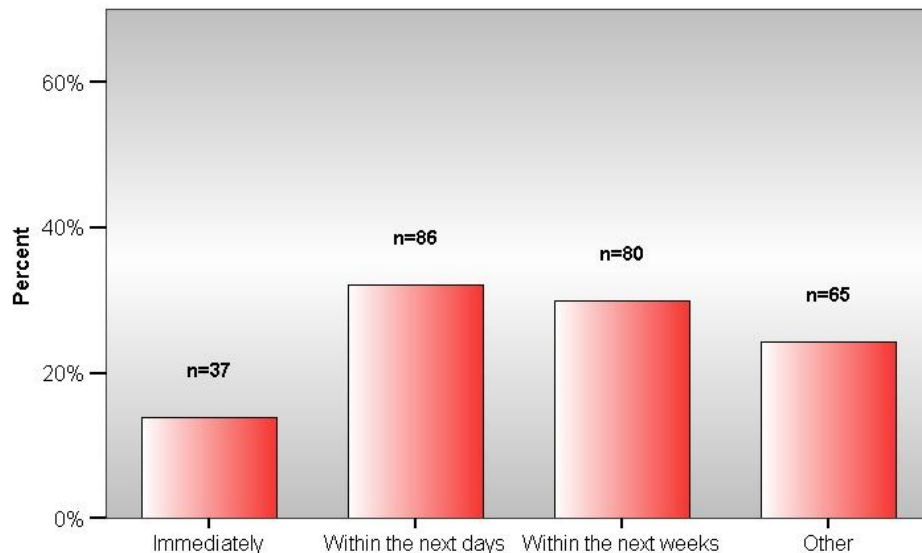
This call for a single access point to information on victim support was echoed by many of the respondents in the Community Awareness Survey. It was believed that such an initiative would not only counteract difficulties for victims in seeking knowledge about services but would also assist professionals and community organisation workers to provide effective referrals to their clients. The concerns voiced here reinforce the fact that there is insufficient awareness of the Crime Victims Helpline, which is in fact designed to provide this common access point.⁴⁵

5.2 Contacting the Organisation

Just under half of the respondents to the victim survey reported that they had contacted the support organisation immediately (13.8%) or within days (32.1%) of experiencing victimhood. Another third (29.9%) contacted the support organisation within several weeks of the incident.

⁴⁵ The Commission for the Support of Victims of Crime has launched a new website (after the research fieldwork for this project was completed). It contains a county by county list of support organisations by crime type. These details are available at www.csvc.ie.

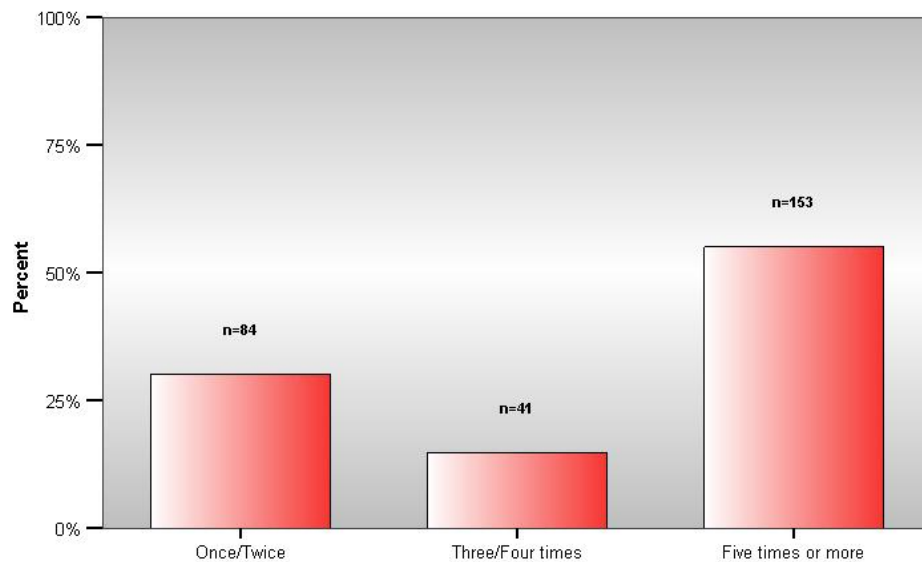
Fig 5.5: Time of Making Contact with the Support Organisation (Victim Postal Survey)



One quarter of the victims (24.3%) who contacted the support organisation did not do so within the weeks immediately following the crime. The time it took for these respondents to seek support ranged from several months to 39 years. Reasons for delayed access to support can be numerous: a respondent could have been a victim at a time when the victims' support system was extremely limited; victims of domestic violence may live with violence for long periods before seeking help; or a victim may delay seeking help whilst trying to deal with the situation himself/herself.

Respondents were asked how often they had been in contact with their support organisation. More than half of the respondents (55%) reported that they had been in touch with the support organisation 5 times or more after the initial contact, indicating the high level of importance of the services to them. Another 14.7% had contacted the group 3 or 4 times, while approximately one third (30.2%) only contacted the organisation once or twice.

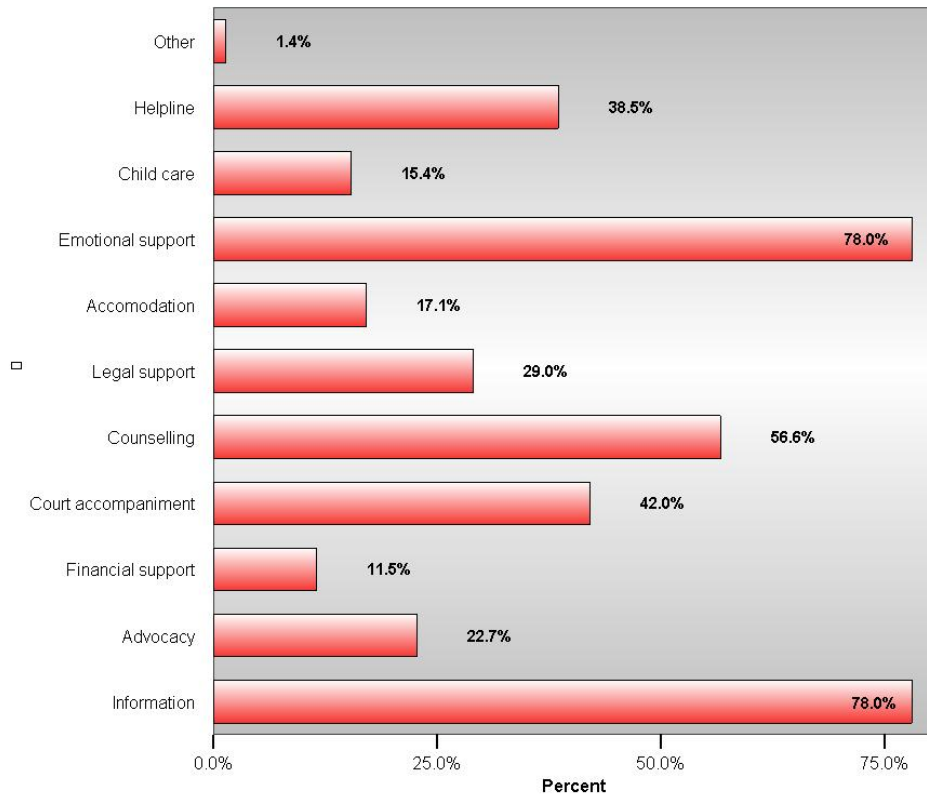
Fig 5.6: Frequency of Contact with Support Organisation (Victim Postal Survey)



Where victims contact an organisation on multiple occasions the level of interaction suggests that they are seeking more than one service, and/or are using services, which require a longer period of involvement with that organisation. For example, emotional support/counselling may include group sessions, whilst advice about legal procedures and court accompaniment may involve long term engagement with an organisation due to protracted court proceedings.

The respondents to the victim survey used multiple services provided by support organisations. The two most common were information (78%) and emotional support (78%). 56.6% (162) of the respondents reported that they availed of counselling services whilst a further 42% used court accompaniment services and a slightly smaller number (38.5%) received support from the help-line services of the organisation. Other services availed of were legal support (29%), advocacy (22.7%), accommodation (17.1%), child care (15.4%) and financial support (11.5%). Finally, a small number of more specialised services were named by participants including translation, transport and photocopying.

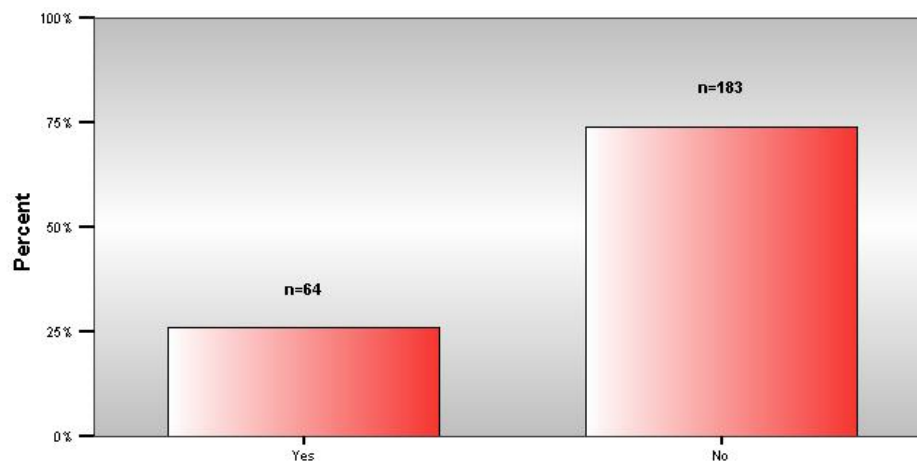
Fig 5.7: Types of Services Availied of From Support Organisation (Victim Postal Survey)



It is therefore clear from the results of the victim survey that the support organisations are identified as a source of many services.

In order to assess whether victims were accessing private counselling services participants to the victims survey were asked if they had paid privately for counselling after the crime. Sixty four (or 25.9%) of the 247 respondents who answered the question replied that they had used private counselling.

Fig 5.8: Use of Private Counselling Services (Postal Survey)



One of the issues which is evident from the victims' survey is the absence of a clear distinction between provision of support services and professional counselling. Some victims found the familiarity of the organisation with their experience to be an important factor and expressed a preference for that peer support as opposed to referral to professional counselling. There is a distinction between what might then be termed peer support or emotional support and professional counselling. Of course some organisations can and do offer both, but the distinction is important and victims need to be appreciative and aware of it from the beginning. A difficulty may arise if the two are confused.

Victims differ in their needs in regard to counselling, both from person to person, and at different stages in the process of coming to terms with the crime that they have experienced.⁴⁶ Thus Tracy, a victim of domestic violence, commented in interview that she preferred informal friendly contact rather than formal counselling:

...A friendly face and somebody who could understand...I didn't know what to expect...When I was talking to her [support worker] on the phone I just felt we connected...It was just more so going in having a coffee with a friend rather than going in having a counselling session...I received just a few friendly sessions with [my support worker]...I'm not one for sitting down with a counsellor pouring my heart out...I deal with it by myself...but with [my

⁴⁶ Some domestic violence groups emphasise that counselling is not appropriate at a time of crisis, particularly when the violence is on-going. Practical support, advice, and emotional support are more important, it is suggested, at that stage.

support worker], she wouldn't let me bury it...She didn't just help me with the domestic violence. She helped me with the loss of the kids through the court case...

(Tracy)

Tracy also reported that the support she received was important emotionally but also emphasised the significance of the support she received in relation to the use of crèche facilities, and in relation to a family law case that followed on from her initial experience.

For other victims, the informal peer-support offered by some groups was insufficient. For example Brendan, also a victim of domestic violence, chose to go privately for counselling to complement the group sessions he was attending with a domestic violence group:

I went for private counselling myself and I found that very, very good. I was lucky enough to get recommended a guy who had dealt with a lot. He was a marriage counsellor. He focused my mind on what I wanted to achieve...With Amen you talk to a group of other men, you don't get down to that level...I had to pay fairly costly for that and I needed it weekly, maybe twice weekly...I think there should be counselling for people who go through traumatic times like this in domestic abuse cases.

(Brendan)

For some victims, the nature of the crime meant that the search for a suitable form of counselling was important. Thus Mary, a co-victim of murder stated:

I went for counselling, I tried a few people...A friend of mine whose husband committed suicide went to this chap and he also dealt with murder, so I had to go to someone who was able for me...Six years I went...Whenever I was able...You always feel afterwards that you're different to everybody else...because you had somebody who was murdered...I must have paid him thousands...

(Mary)

The importance of the "friendly face" and the connection many victims make with support workers is also reflected in the category of emotional support. The interviews with victims reinforced the importance of this, particularly in relation to victims of domestic violence. For example, Kylie was supported by a specialised domestic violence group. It did not take long before she established a good friendship with one of their support workers:

Once I built up a rapport with [my support worker], after about a week, then I could ring her myself...I rang her to book an appointment...about once a

week...Here I could open up 100 percent and know that I was being understood and I wasn't being looked down because that was the one thing I was afraid of...being called stupid, naïve, a child.

(Kylie)

Clodagh, another victim of domestic violence, had a similar experience:

[The support organisation was] 150 percent brilliant.... She [support person] came to every court case with me. She sat with me the whole time, she listened to me 2-3 times a day...They gave me the strength and encouragement to keep going...I was over with [the support person] all the time...She explained everything, went through step by step. Only for them...nobody came forward to tell me... I couldn't survive [without the support person] because I know that she's there...

(Clodagh)

For co-victims of homicide, the emotional support and guidance is also vital, particularly where children are also affected by the crime. Thus Bernice, whose partner was murdered, stated:

. ...I wasn't able to leave the house at all, to have someone with that compassion and understanding...[person from support group]. She was like an angel coming in the door...The kids were a bit all over the place, they used to do make-up on her eyes...We used to have a laugh in the mix of all that madness...She would have rang quite a lot...just amazing to have that and for her to filter through the information...I would never have known about the tribunal criminal compensation, even that there are grants available and all that information...She was such an encouragement to us all...

(Bernice)

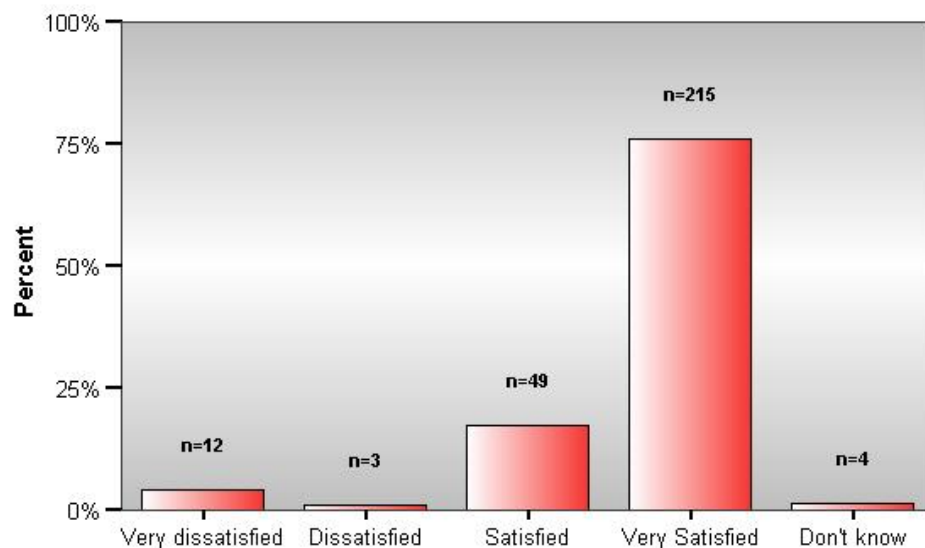
5.3 Satisfaction with Services

In order to assess the level of satisfaction with services, the victim survey asked about the speed of organisations' responses to initial contact, the adequacy of the location of services, the adequacy of any helpline accessed, and the ability of the organisation to meet needs. The overall reported rates of satisfaction with the organisations' services were very high among the respondents.

When asked whether participants were satisfied with the speed of the organisation's response to their initial contact, 76% of those answering said they were very satisfied and 17.3% said they were satisfied. Only 5.3% reported they were less than satisfied and 1.4% did not know whether they were satisfied or not. This data indicates that

victims' organisations are currently responding to most victims' contacts in a timely fashion.

Fig 5.9: Satisfaction with Speed of Organisation's Response to Respondents Initial Contact (Victim Postal Survey)



Once a victim decides to get in touch with a support organisation, the speed of the response can be very important. Bernice, a co-victim of homicide, received support from an organisation after a Garda liaison officer gave her the contact number three days after the murder of her partner. Bernice rang the number straight away.

There was a mobile number on the sheet and when I got on to that line, that was somewhere else in Ireland, so what they did they put me through to somebody. They gave my information to a lady here in [city], so she actually called to the house straight away. She rang me and called to the house... We kept in contact until we sort of had closure after the trial.

(Bernice)

Bernice's case illustrates why a prompt response can be so important as she was not only having to come to terms with the death of her partner, but she also had to take care of her young children who had lost their father. The early presence of a support worker can mean that quick decisions can be made in such circumstances, for example, in relation to obtaining specialised support for children in difficult situations. Thus Bernice was able to access specialised counselling:

[With the support organisation], we would have done play therapy...for my children and then I had a couple of sessions myself, separate from the children before the trial...When the kids were young and it was so dramatic for them...[The support person]...would be really good for the kids and do a lot of house calls for months, she really did...

(Bernice)

A quick response from support organisations was identified by some victims as critical. Gerry, a victim of kidnapping, highlighted this fact:

The guards contacted [the support organisation] on our behalf...The morning after...[the support worker] came to the house...There was a phone call first and then she met us within 48 hours...[The] first couple of days were crucial...You need guidance, support and direction...The guards suggested that this was a good way...We needed a guide, someone to point the way to us. [The support worker] did that, listening, giving her experience as well, her kindness, her advice and support right throughout the court case six months later....to me and my wife...a vital part, very important, we were looking for that....If it was absent....where would your head wander to?

(Gerry)

Speed of response can also be particularly important in relation to domestic violence cases. Victims of domestic violence may experience crime on an ongoing and long term basis. A decision to seek help may reflect an escalation of the violence and it has been shown that the point at which an abusive relationship ends can be a high risk time for the victim.⁴⁷ The speed of the response of support organisations can therefore be critical both in terms of accessing information on how to protect themselves, available court protection procedures and in gaining much needed emotional support. Kate, a victim of domestic violence, reported that a friend of hers had contacted a support organisation for her:

[A] lady came out to visit me within a day or two, it was very quick...I took all the information from her...I needed advice on what steps I could take and the advice I got was very good and I followed it...The lady told me if possible to save some money, that if I needed to go to have some cash...to get all birth certs belonging to me and the kids, the insurance policy numbers...if I had to flee the house I wouldn't have to go back...which was great advice...

(Kate)

A problem of “out of hours” access to support services was raised in the community awareness survey.

⁴⁷ See Watson and Parsons (2005).

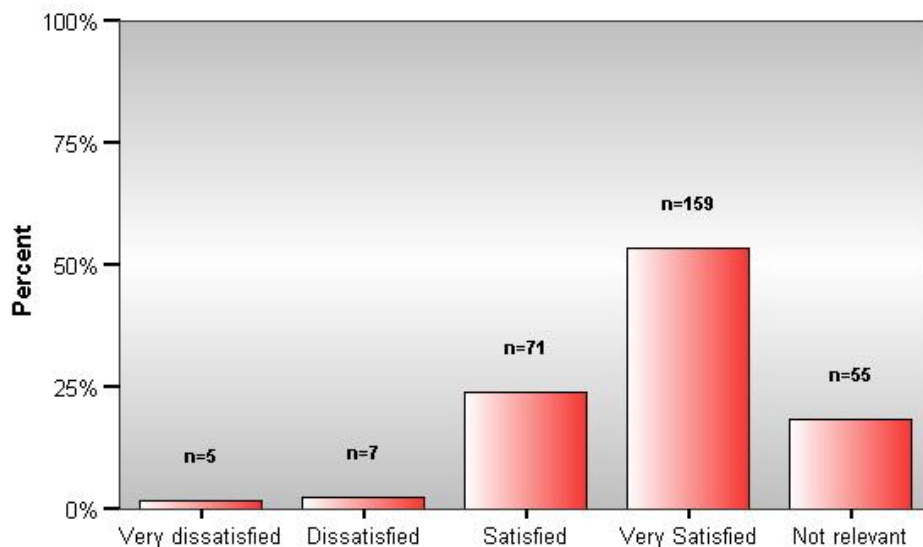
From my experience working with victims of domestic violence, there is a lack of emergency [support] after 5 pm.

(Community Worker)

The difficulty in relation to victims of domestic violence is significant given that many may wish not to approach the Gardaí regarding their situation.

When asked about the adequacy of the organisations' help-lines, more than half of those responding (53.5% or 159 respondents) stated that they were very satisfied and a further 23.9% (71) stated they were satisfied, whilst 18.5% (55) indicated that they had not used a helpline. Therefore, of those who had actually used an organisation's helpline, 65.7% indicated that they were very satisfied, 29.3% indicated that they were satisfied, and only 5 % registered a response lower than satisfied.

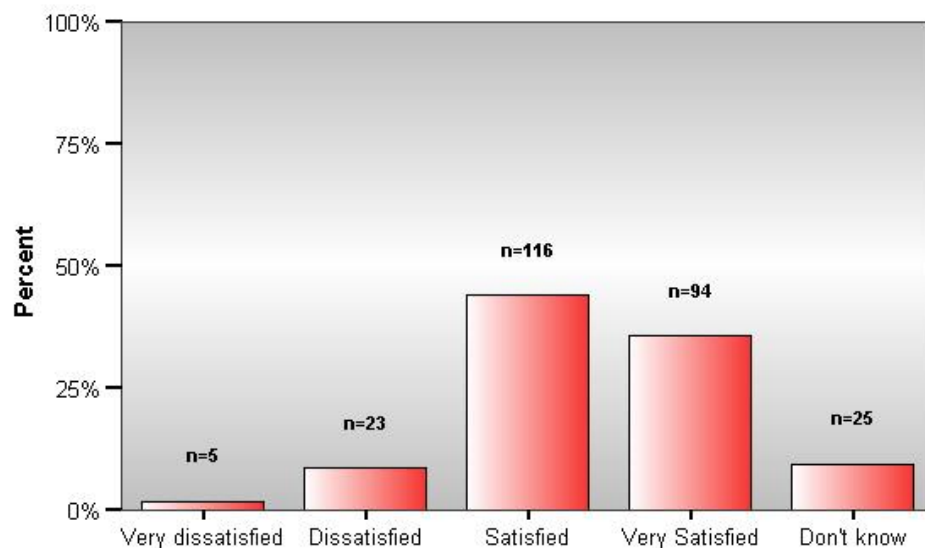
Fig 5.10: Adequacy of Organisation's Help-line (Victim Postal Survey)



When asked whether participants were satisfied with the proximity of the organisations to their home, a total of 44.1% reported that they were satisfied and 35.7% were very satisfied. Just over 10% were less than satisfied, suggesting that in the main the spread of victim support organisations is efficient in delivering an accessible service. It should be noted however that the respondents were all victims

who had accessed services. Other victims who possibly did not have a local service and therefore accessed no service were excluded because of the survey design.

Fig 5.11: Satisfaction with Proximity of Support Organisation to Respondent's Home (Victim Postal Survey)



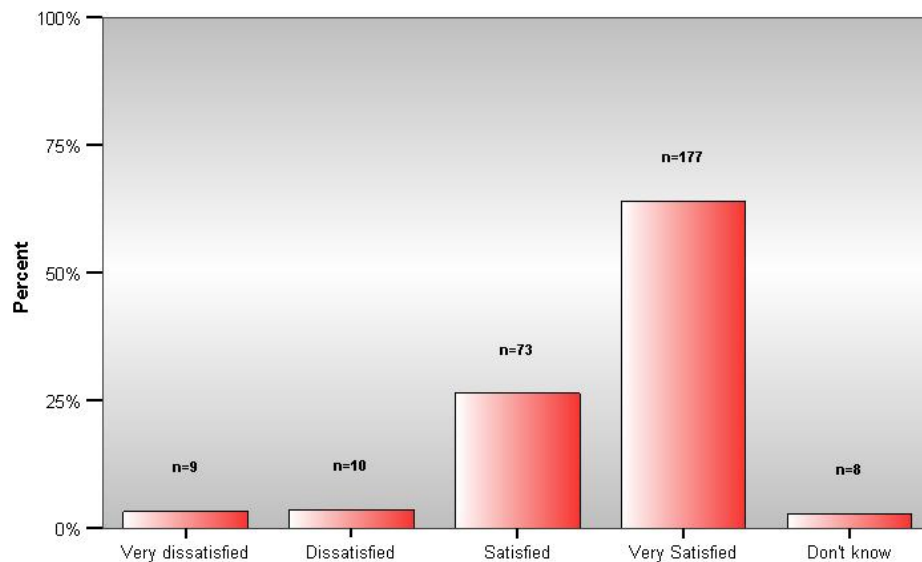
However specialised, victim support groups may be unable to provide adequate geographical coverage. For example, Brendan, a victim of domestic violence, was very positive about the organisation assisting him, but found the distance he had to travel from his home to their office a difficulty. In interview he highlighted the need for them to set up a network of places where men in similar situations to him could go.

[It] was the only place where people could go and I would love if there was a nearer place where I could go, say around Dublin and say around the area that I lived in. I certainly would have coped better because this travelling put me off...There could have been a network of places where men could meet, run by [support organisation], outreach places...

(Brendan)

Finally, when asked about the ability of the organisation to meet respondents' needs an overwhelming majority of those answering reported that they were either very satisfied (63.9%) or satisfied (26.4%). Thus only 6.8% reported a level below satisfied in response to this answer.

Fig 5.12: Ability of Support Organisation to Meet Respondent's Needs (Victim Postal Survey)



Victims reported in interview that they were not initially aware of what services were available and ultimately what they would need. The organisations were often able to guide them through the criminal justice process from start to finish, or were crucial in providing long term emotional support at different stages of their cases. For example, Kylie, a victim of domestic violence, stated:

At the beginning I expected to have someone sitting there listening to me and telling me that it wasn't my fault, but after I met [my support worker], I realised she was going to do so much more. She'd come to the court with me. She was literally there whenever I needed to talk...She did everything for me...

(Kylie)

This lack of understanding by victims of services available and what services they need when first accessing support organisations, was raised by some interviewees who noted that at the time of their initial victimisation they had insufficient knowledge to be able to access services.

I think more advertisements are needed to highlight victim support. I never knew about them until just before going to court. This had been 2 ½ years after making a statement. If I had known there were such organisations it would have made dealing with the procedures so much easier as I would have had the support I needed.

(Victim of sexual offences)

Where victims have been left unsupported at the early stages of the criminal justice process, their lack of understanding of procedures can add to their feelings of trauma and helplessness. Thus early support is essential in minimising the possible negative impact of the criminal justice system and reducing ongoing harm caused by the initial victimisation.

Catherine, a co-victim of homicide, wished that she had been put in contact with the relevant support organisation at a much earlier stage in the process:

If I would have been put on to [support organisation] in the beginning I would have been very happy...I rang them first, it was easy to access them...If I had known about them before the trial I would have been on to them a lot.

(Catherine)

Valerie, a victim of dangerous and careless driving, expressed similar sentiments after she eventually gained support via the Crime Victims Helpline:

Two years [after the crime]...I phoned...They had an answering machine and I left a message with my details....It might have been two days later when the lady phoned me back...Given our situation....I had felt that there must have been someone else, somewhere else, who was experiencing the same thing, so I had asked Gardaí, in relation to the process, if they could put me in contact with support group. I didn't receive this information directly, but when I went to make another statement in my local garda station I picked up that little purple booklet with information about DPP and attending court as a witness and it [number to Crime Victims Helpline] was in the back of that....It was just lying in the waiting area and I just said if anyone would have told me a year ago this book was available I would have been so appreciative...

(Valerie)

Some interviewees raised concerns in relation to gaining access to more 'professional' and coherent support regarding legal information from support organisations. Heather, a victim of domestic violence, experienced excellent services in relation to court support from her support group but when her ex-partner took a custody case against her she began to realise her lack of knowledge regarding the law

[Support group] assumed solicitor [educated her regarding her legal rights]....They did my emotional needs...Really they should have been more empowering...They did not educate me about how [adversarial] it was...They did not give me a proper education about what I was dealing with...or my solicitor should have...They probably thought he did...

(Heather)

In Heather's case, the assumption that someone else would provide her with the relevant information appeared to leave her unsupported in relation to this important area of information and knowledge. A more positive experience in this area, showing good practice on the part of the support organisation, was described by Clodagh, a victim of domestic violence.

I was over with [support person] all the time...She explained everything, went through [it] step by step. Only for them...nobody came forward to tell me [anything]...When I had my first interview with the solicitor that was doing our case, I went in, and that was the day before the court...He sat behind the desk, looking at me...He says: "You live in [town area]? Well, so do I, can't represent you, but you know what, I'll have somebody there in the morning". That was it, get out of my face, that's the way I felt...I went back up to [support person] "How can they speak to people like that"...She phoned them...and she found out who it was...I couldn't survive [without Support person] because I know that she's there...

(Clodagh)

Organisations therefore need to be able to provide basic information regarding legal terminology and ensure that their clients are supported and empowered to seek out good legal assistance in relation to cases arising out of their experience of crime and other related matters, such as custody cases.

Some respondents in the Community Awareness Survey drew attention to some issues which they believed constituted barriers to victims accessing support. A lack of information about the specific focus or orientation of some support groups led to a perception among some professionals and community organisation workers that there was an overlap of service provision in some aspects of victim support. This often caused confusion in relation to which service a victim should be referred to.

We need greater clarifications regarding various groups and the difference between them. There appear to be several groups for victims of sexual crimes that are competing?

(Social Worker)

This concern about overlap among groups relates not only to a concern about ensuring effective referrals but also underpins a concern among some professionals/community organisation workers that while victims of some crimes are well catered for, others, who experienced crimes that are considered less severe, have limited support. Thus one representative of a community organisation stated:

There should be a one-stop-shop or a phone-line where all the diversity that you have just told me was pooled together, so that there is ONE place for a victim to go to instead of looking around. Some crimes appear to be better supported than others, for example sexual violence, whereas a burglar victim might be very traumatised but might not have the support needed.

(Policy and Campaign Officer)

This comment highlights once again the lack of recognition of the Crime Victims Helpline in providing this “one-stop-shop” role.

The idea that victims of some crimes are better provided for than others raises the question of whether general service providers have been less successful than more specialised organisations in raising their organisational profiles. There is, for example, a suite of services provided by many domestic violence support organisations from advocacy to helpline to court accompaniment. Moreover, many of these organisations are embedded in local communities. It is not surprising therefore that some organisations, such as domestic violence and sexual violence organisations, have probably been more effective at awareness raising, thus leading to a perception amongst some professional/community workers that less serious offences are not well provided for.

Whilst ‘run of the mill’ crimes are often considered to be under-supported, some victims also report that there can be a lack of more specialised support within organisations. Mary, a co-victim of homicide, went to support group sessions but felt that her case was different to other people and she preferred to talk to people whose family members were murdered several years ago:

They started this group...and I did go to that. It was a ten week thing going on and I went for the first night...I was with a friend of mine whose son was murdered 10 years ago...It was starting off with people whose family members had been murdered a year ago, eight months ago, two years ago, so there isn't anything for us as such...Maybe something like that for people like us that are a long way down the road...It doesn't mean that it's less painful, it's still the same pain and it never goes away...

(Mary)

Paul, also a co-victim of homicide, stated that he would like to see something particularly for fathers who have lost their children through murder.

I rang [support organisation] and went to two meetings around the country and introduced myself...[The organisation was] absolutely brilliant,...but I would

prefer to see more for fathers, for dads whose children have been murdered...They're more into women...very, very little for men...because it's a woman's thing...They're too shy to talk and stuff like that...but talk to them on their own and they're fine...If there was someone within that group who would talk directly to the men it would actually open a door...They don't talk but they're grieving as much...

(Paul)

Professionals/community organisation workers who responded to the Community Awareness Survey also raised the need for greater specialised services in relation to women and children:

I see many unreported crimes against children and women and there are many issues around this. We need more generic counsellors free of cost and tied in with [youth] centres. Most of the services are adult-based, so we need more for children. The stigma around domestic violence also prevents women from going to the guards, so if they could get free counselling through us would be helpful.

(Youth Worker)

[M]others of older sons (over 13) cannot access housing for domestic violence with these sons as they are not allowed in. It is hard to find suitable accommodation due to these rules and regulations. The Traveller community is also a very close knit community, and I've heard that the Kerry group model is working well for Travellers who are victims....

(Community Worker)

5.4. Conclusion

Overall, the findings from this research illustrate that there are significant problems in relation to awareness of and knowledge about victim support organisations. Key referral points for victims such as the Gardaí, relevant professionals and community organisation workers and the Crime Victims Helpline do not appear to be fully effective sources of information for victims. The Community Awareness Survey reinforces this point with significant numbers of respondents being unaware of many of the main victims' organisations and the majority identifying the need to improve awareness regarding support services.

The Community Awareness Survey findings suggest that key professionals and workers in the community do not have sufficient knowledge of victim support organisations which would allow them to provide an adequate referral system for

victims. This is significant given that many victims do not report their crimes to the Gardaí, leaving professionals/community organisation workers as key access points for these victims.

The Victim Postal Survey and interviews demonstrated the lack of a key source of general information on victim support services. Respondents relied to a large extent on family and friends (30.5%) to provide information or simply stumbled upon information sources such as leaflets.

Targeted provision of information to both the general public and professionals/community organisation workers is essential in ensuring that victim support groups maximise public knowledge and understanding of their role and services. This is particularly significant in relation to those individuals and groups that operate as referral points, allowing victims to be guided through the system. Victims report that when they are looking for information on victim support organisations they want easily accessible information that will tell them effectively what services are available to them.

In total, three quarters of respondents reported that they accessed support services immediately (13.8%), within days (32.1%) or weeks (29.9%) of experiencing a crime. Reasons for delayed access may be various and outside of the power of victims groups. However, in order to maximise the chances of quick access, the issue of awareness and information provision is essential.

Nearly a third of participants contacted the support organisation only one or two times while over half contacted it five or more times. Multiple contacts suggest that a victim is seeking more than one service, or more long term services such as emotional support/counselling.

The most common services availed of by victims were information, counselling and emotional support. Whilst these clearly are the most important types of services used, it is important to note that victims had multiple reasons for accessing a support organisation. An initial request for information may then lead to a support worker

providing emotional support, and later experience with court cases may require court accompaniment services.

In terms of the needs of victims of crime and their families, it would seem from the findings that clarification should be provided at the outset as to the distinction between the peer counselling and support on the one hand, and professional counselling on the other. The type of counselling on offer in many services (i.e. peer counselling and support) is not always sufficient and the victim may have a need for more specialised peer counselling or indeed for professional counselling. It is important that organisations are aware of the limits of their expertise and assist victims in identifying what type of counselling or support they need at any given time. Similarly appropriate referral to sources of legal information and advice should be provided.

The Victim Postal Survey highlighted the fact that participants were generally very happy with the speed of response provided by support organisations with over 93% reporting a rating of satisfied or very satisfied. Interviews with respondents highlighted the importance of a quick response rate. Victims reported that it provided them with guidance and support at a time when their ability to function and make decisions was seriously impaired by their trauma. Having a support worker available at the critical point shortly after help is sought can mean that victims have a better understanding of what is happening in relation to their experience, and better chance of accessing suitable services such as counselling and applying for court orders.

Over three quarters of respondents reported good levels of satisfaction with the helplines provided by organisations suggesting that these generally run well.

Respondents to the victim survey were also generally happy with the geographical proximity of support services, but it is important to note that the respondents were victims who accessed services. There may be victims who were unable to access services because of a lack of geographical proximity – they were not represented in the survey. One problem highlighted in this area is the fact that more specialised services may be less generally available geographically. Thus victims with particular needs or profiles may be forced to travel further in order to access these specialised

organisations. This issue is ultimately one of resources, both financial and expert. Full geographical coverage of all support services may be difficult to achieve.

In terms of judging the overall ability of organisations to meet their needs, over 90% of respondents to the victim survey gave a rating of satisfied or above. Thus victims are generally very happy with the way organisations are able to provide both general support and more specialised assistance. As some interviewees noted, the help that victims actually experienced, often went beyond their initial expectations.

Concerns were raised, however, in relation to victim's initial knowledge about organisations and the related question of information provision. Victims note the importance of gaining access to suitable services at an early stage, yet the problem of access continues to be a challenge.

Finally, issues were raised as to the types of services provided. Some professionals/community workers questioned whether less serious crimes are well-served by the current system. The general service providers have perhaps been less successful than domestic violence or sexual assault organisations at raising their organisational profiles, thus leading to a perception that less serious offences are not well provided for. At the same time, some victims of particularly serious offences, such as murder, raised very specific concerns relating to the nature of their experience as a victim. These included the failure of support organisations to cater for male victims' needs. As Paul, a co-victim of homicide suggested, 'they're more into women...very, very little for men...because it's a woman's thing...If there was someone within that group who could talk directly to the men it would actually open a door...'. Ultimately the ability of victims groups to respond to all victims needs will not be inexhaustible. It is likely that some groups or individuals will be less well provided for because of their small numbers or particular circumstances.

Some professionals/community organisation workers also noted the importance of the need for specialised and effective services to be made available to women and children. This is particularly the case in relation to crimes such as domestic violence and sexual assault where victims are less likely to turn to the Gardaí for assistance.

The possibility of confusion not only for victims but for doctors and those in the voluntary sector trying to assist victims was mentioned. This can arise because of the multiplicity of organisations providing assistance to victims of crime, giving an impression of a splintered and possibly ineffective sector. This would seem to underscore the need for greater co-operation between existing groups and a single point of reference for all victims groups.

As with the findings on the Crime Victims Helpline, the key issue in relation to victim support organisations generally is one of access to information. The organisations provide a good level of service once accessed but it is clear that many victims participating in this research found the process of accessing those services challenging. Referrals from the Gardaí and professionals/community organisation workers are also not operating effectively. In order to ensure that all those victims who wish to receive support services have the opportunity to access them, it is essential that information provision is radically improved.

Chapter 6: Court Procedures and Compensation

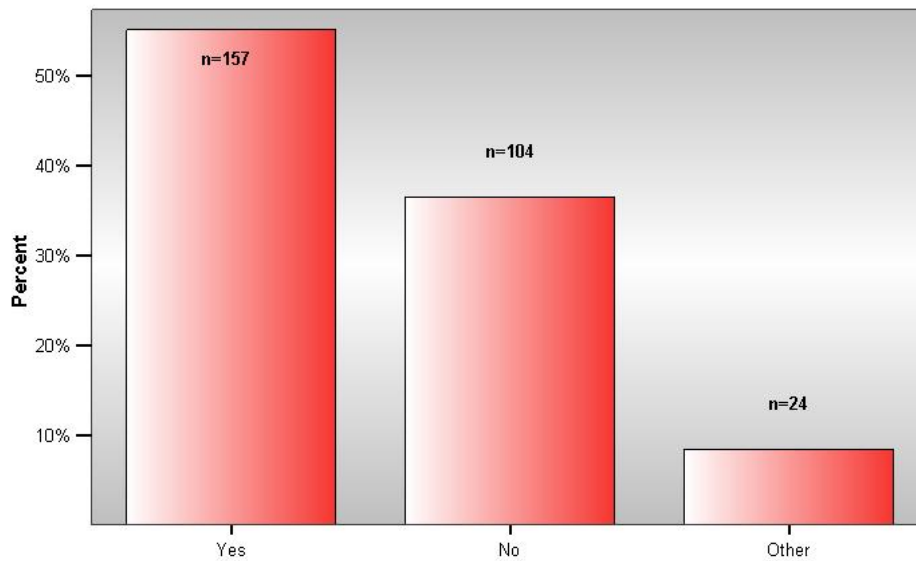
6.0 Introduction

Such research as has been conducted on attrition rates (Leane et al 2001) indicates quite clearly that many victims do not report, and even if they do report, fail to have their complaints successfully processed through the courts. The court experience of victims has to be central to any study of their needs in relation to the criminal process. Court procedures determine how a victim is treated and dictate the manner in which his or her story is elicited and heard. It is essential in assessing the ability of the criminal justice system to meet victims' needs to review the way in which victims currently experience the process itself in terms of decision making, hearing, procedures, personnel and judgment. Hence this survey included questions regarding victims' experiences of the process and procedure of our courts including arrangements for seating and audibility as well as adjournments and delay. Questions were also posed regarding support received from victim support agencies and criminal justice personnel in the courts, and victims' understanding and acceptance of the reasoning for decision-making as well as the reality of their experience of specific procedures. The experiences of those who do go through the court system may influence decision-making by future victims as to whether to proceed with their complaints. Therefore court procedure is an important element in securing accommodation of victims in criminal justice. The extent to which victims receive appropriate expenses for their participation in the process is also an important issue. In terms of outcomes it also needs to be considered whether the financial compensation that may be forthcoming meets victims' needs, and whether the sentences imposed carry a sufficient sense of reparation. This chapter will consider the findings generated in this research regarding victims' needs and experiences in relation to court procedure, expenses and compensation.

6.1 Victims' Experiences of Court Procedures

55.1% of respondents (157) in this study had experience of court procedures and identified their cases as having proceeded to the court system. 36.5% (104) of respondents said that their case had not proceeded to the court system, with 8.4% (24) indicating that their cases had not yet proceeded further.

(Fig 6.1: Cases Proceeding Through the Court System (Victim Postal Survey))



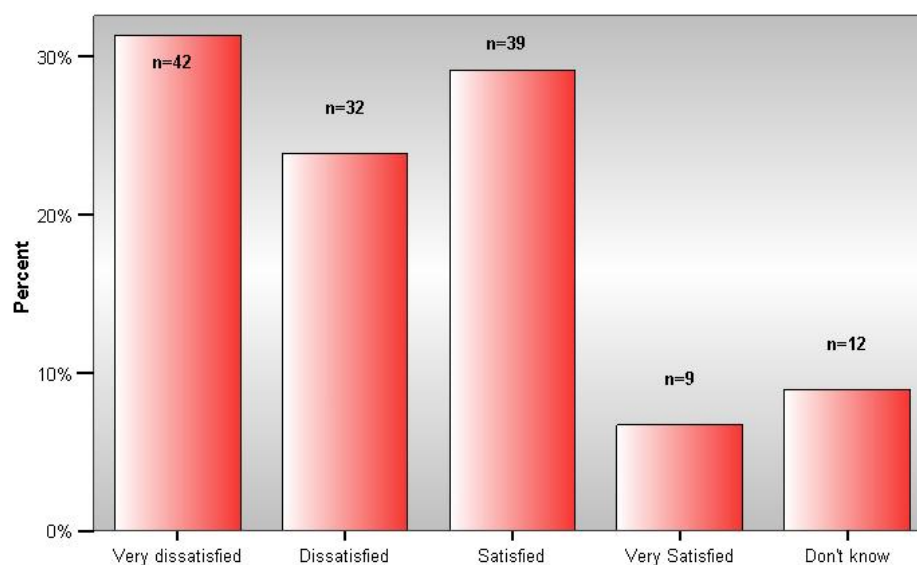
Over one-third of the respondents indicated that their complaints did not proceed to court. The issue of attrition in the criminal justice system is well documented. After reporting a crime, attrition can occur for a variety of reasons including withdrawal of a complaint, the use of cautioning, Garda inability to identify or locate the alleged perpetrator, and a decision by the prosecutor not to prosecute. For example, in a study undertaken in New South Wales in 1996 in relation to four crimes (burglary, motor vehicle theft, assault and robbery), it was found that only 7.5% (33,457) of the incidents of victimisation (446,000) were brought before the courts for trial, and only 4.2% (18,901) of offenders convicted (Mukherjee 1997). As part of a report on tracking attrition rates in reported rape cases in eleven European countries, Paul O'Mahony tracked 100 sequentially-reported rape cases in Ireland after the 1st April, 2004. He discovered that an alleged perpetrator was identified in 79 out of the 100 cases; only 18 suspects were charged and 16 of these proceeded to court. Of these 16, 8 were convicted at the time the report was completed (Lovett and Kelly 2009).⁴⁸ Hanly et al (2009: xxviii), in a study of 597 rape files received by the DPP between 2000 and 2004, found that the DPP prosecuted just under one-third of prosecutable cases (i.e. the total number of cases excluding those cases in which the complainant had withdrawn the case). Of those that went to trial, nearly 60 per cent resulted in a conviction or a guilty plea in respect of at least one charge. Having regard to these

⁴⁸ See also M. Leane et al (2001).

studies, the attrition rate of 36.5% indicated in this study does not appear overly high, though care should be taken to the very limited comparative use to which such statistics can be employed given the different types of offences surveyed and the kind and size of the populations sampled.

In terms of progressing complaints and incidents through the criminal process, the victims' subsequent experiences of court procedures as revealed in the victim postal survey were overwhelmingly unsatisfactory. This is apparent from figure 6.2 below where 55.2% of relevant respondents declared themselves very dissatisfied or dissatisfied with their overall court experience.

Fig 6.2: Satisfaction with Court Experience (Victim Postal Survey)



The experiences of the victims of this survey in terms of court procedures cluster around a number of issues which the majority experienced. These can be usefully and broadly classified as issues of delay; communication (which includes downgrading of charges or refusal to prosecute); architecture and seating in court; the sensitivity of court professionals; a lack of information about and understanding of the legal system; and the handling of Victim Impact Statements.

6.2 Delay

The issue of delay relates in the main to the experience of adjournments in a case and the consequent uncertainty as to when the case will eventually be heard. Bacik *et al* (2007) recommended that measures should be put in place to ensure a reduction in delays in court processes. The Irish Council for Civil Liberties report also recommended an ongoing commitment by the criminal justice agencies to the expeditious hearing of criminal trials subject to the defendant's right to fair procedure and right to a fair trial (ICCL 2008: 38). Similarly Hanly et al (2009: xxxiv) noted that 'every possible means of reducing delay should be explored' particularly once a case is returned for trial. Delay causes anxiety to victims and also practical difficulty with regard to court attendance, which is particularly acute if the hearing of the case is in another county or indeed country.

Court is postponed on many occasions. [For example I had] a friend coming from Holland, two times being all day in court waiting..."

(Victim of sexual offence/domestic violence)

Barry, a victim of assault experienced the investigative process as very long and he was also frustrated that the court case was put off several times due to adjournments. In the meantime he met his attacker on several occasions, something which made him feel very uncomfortable.

The court case dragged on for a year and a half, two years. It was adjourned, back and forth. The guard was helpful enough...I knew at that stage that the ball was rolling and that they couldn't do much more before it got before the court...I would have liked, I suppose, if they could have done something to keep this guy away from me in the meantime but nothing happened there.

(Barry)

Kate, a victim of domestic violence, had a safety order in place for herself and her daughters which allowed the Gardaí to arrest her husband immediately after he attacked her. Kate's husband was eventually brought to court after the arrest and barred from their house. One of the frustrations for Kate was the constant court adjournments.

The guards never got in touch with us from the 16 September until February...Nothing at all...Absolutely nothing...About two weeks before...we had been in court from September and it had been put off and put off....

(Kate)

Another long time elapsed between the crime and the trial in a case of dangerous and careless driving. Valerie was injured and her father killed in the accident which took place in August 2006. The case did not go to trial until November 2008 and Valerie had to embark on a stressful journey involving many elements of the criminal justice system. The accident had taken place in a different county and Valerie and her sisters needed plenty of notice in order to make sure that they could attend court in that county when the accused appeared. This, however, was not taken into consideration by the process.

It was the Tuesday before the August bank holiday weekend. The Superintendent rang about 12 midday to say that a woman was being charged and was being brought into the district court that afternoon. I was very upset and very annoyed, very angry with him on the phone: "You know I wanted to be there every step of the way...You should have let me know at 9 o'clock this morning because I could have got organised", and I was very upset about that because I wanted to be there. He said he didn't know it was going to happen then...We heard nothing, there seemed to be a lack of communication....

(Valerie)

In Valerie's case there was no liaison officer appointed who might have facilitated better communication between Valerie and the Gardaí and perhaps also between the Gardaí themselves.⁴⁹ Those victims who were allocated a liaison officer appeared to be more satisfied with the investigative process compared to those who did not have this support.

The woman who murdered Mary's mother was arrested very soon after the incident and brought to a psychiatric hospital. The trial was adjourned several times due to the defendant's inability to attend. Mary remembers having the notice with the date of the trial on her fridge and worrying herself sick in anticipation of the day.

⁴⁹ The Victims Charter (1999: 8) notes: 'when a suspect is charged, the Gardaí will tell you...the time, date, and location of the court hearing of the charges against the accused'.

Because this person was up in [mental hospital] we weren't told...We'd be given this date for the court and I always remember I put it on the fridge and I couldn't function...All I saw was the date on the fridge...My brother, his wife, my husband and myself would go to court and the name of this person would be called and all they'd say is "too ill to attend" but nobody telling us beforehand...and there'd be another date and that could be another three months...or a break for the summer...I think ours went for about two years.... [T]he actual case only lasted a day...

(Mary)

Respondents to the victim survey shared this overall perception of inefficiency in the criminal process due to delay. Such delays undoubtedly constituted secondary victimisation as highlighted by the following comments from respondents to the victim survey:

Faster responses at the time of the person reporting to the gardaí or support services...I reported my abuser in 2001 and have still to conclude court...

(Victim of sexual offences)

Waiting for court case to happen [is] very difficult...To hear DPP's decision on charges [is] very slow. When in court – no idea when your case will be heard despite listings, court never follows assigned listings. No communication, have to turn up every day even though defence may be aware...

(Victim of sexual offences and false imprisonment)

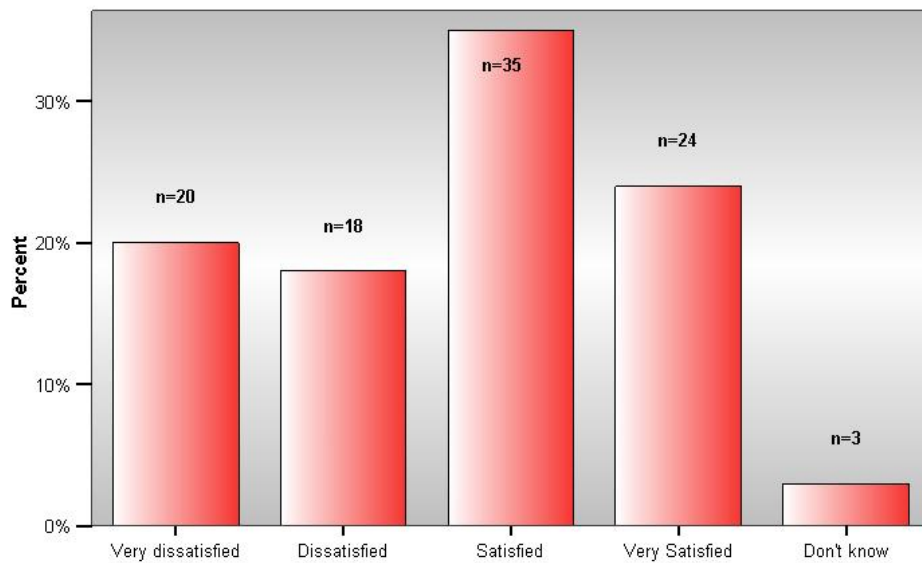
[My] case was adjourned 3 times which prolonged the stress I was suffering.

(Victim of violence/criminal damage)

6.3 Information Provision on Court Procedures

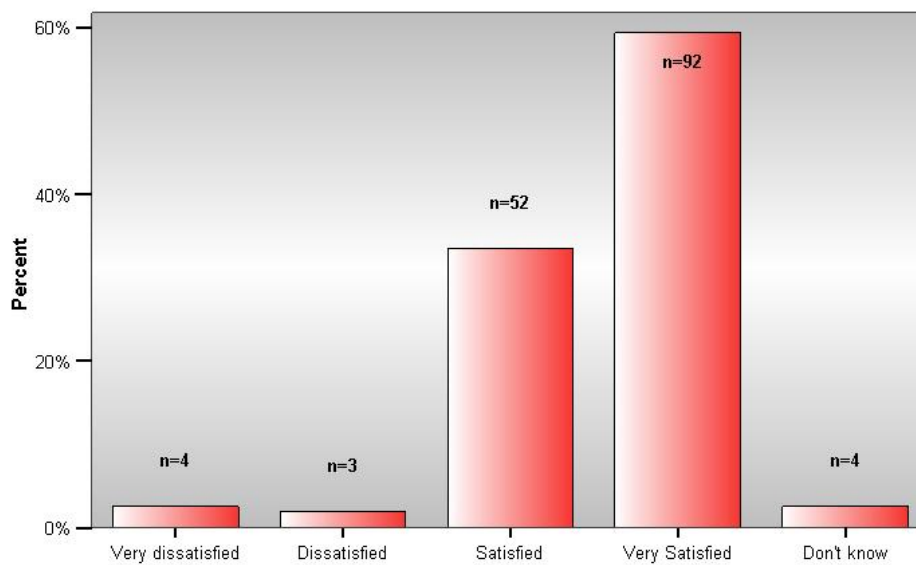
In order to assess the quality of information provided to victims in relation to court procedures, the survey asked a number of questions to determine the overall level of victim satisfaction in this area. To begin with, the survey participants were asked to rate their satisfaction with the provision of information by court officials/staff on court procedures. Of the 100 respondents who identified this question as being relevant to them, 59% (59) were either satisfied or very satisfied; 38% (38) were either dissatisfied or very dissatisfied with the information provided by court officials/staff, and 3% (3) did not know whether or not they were satisfied.

Fig 6.3: Satisfaction with information received about court procedures from court officials/staff (Victim Postal Survey)



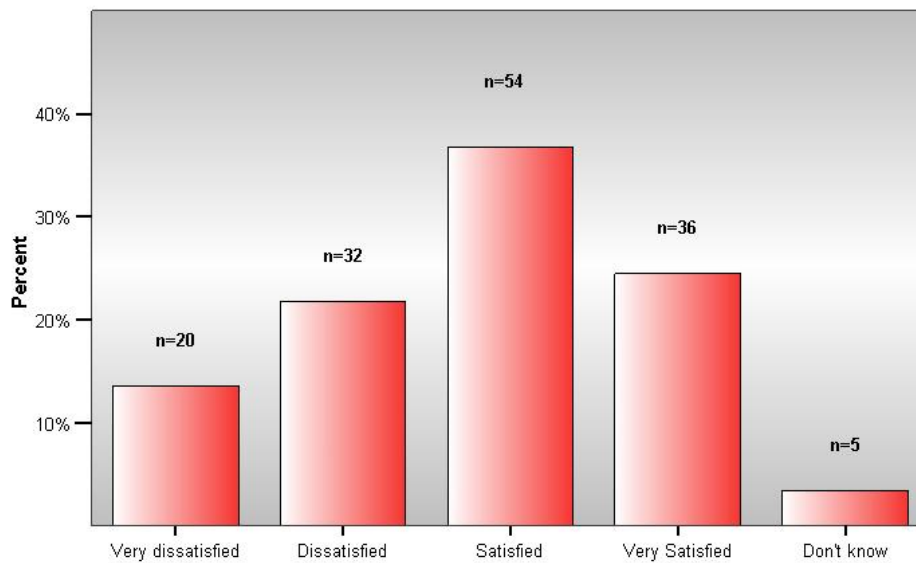
A very positive response was reported in relation to information provided by support organisations about court procedures. Of the 155 relevant respondents, 93% (144) indicated that they were either satisfied or very satisfied with the information provided by support organisations about court procedures; 4.5% (7) indicated that they were either dissatisfied or very dissatisfied, and 2.5% (4) indicated that they did not know.

Fig 6.4: Satisfaction with information received about court procedures from support organisations (Victim Postal Survey)



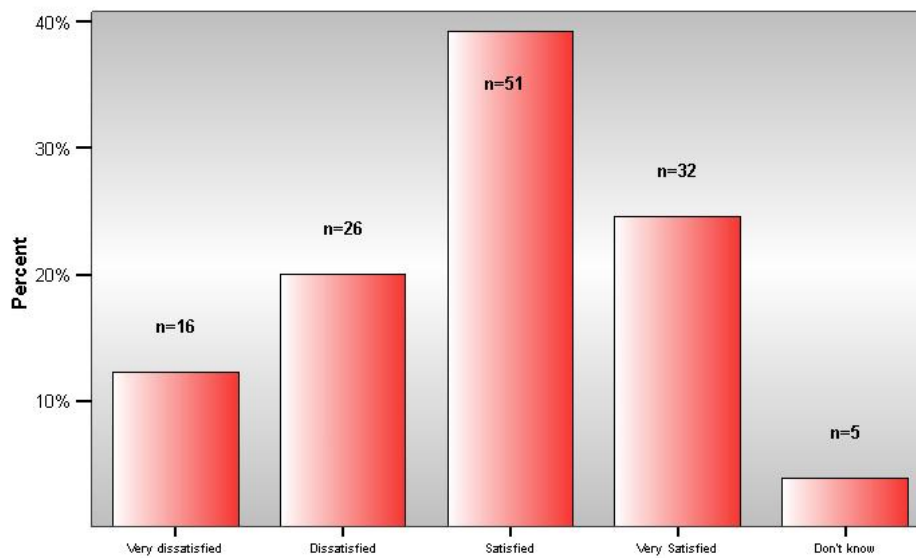
In relation to information received about court procedures from the Gardaí, 61% (90) of relevant respondents indicated that they were either satisfied or very satisfied; 35.5% (52) indicated that they were either dissatisfied or very dissatisfied; and 3.5% (5) indicated that they did not know.

Fig 6.5: Satisfaction with information received about court procedures from the Gardai (Victim Postal Survey)



Finally, where the solicitors provided the court information, 64% (83) of relevant respondents indicated that they were either satisfied or very satisfied; 32% (42) indicated that they were either dissatisfied or very dissatisfied, and 4% (5) indicated that they did not know.

Fig 6.6: Satisfaction with information received about court procedures from a solicitor (Victim Postal Survey)



It is clear from these results that information on court procedure was provided by a variety of sources. While for the most part, participants reported that where they did receive information, their experience of that was generally either satisfactory or very satisfactory (particularly for the information provided by support organisations), a number of respondents to the victim survey recounted experiences of receiving insufficient information or receiving it in a manner which was less than satisfactory. Some respondents referred to the lack of information provided in respect of the court hearing:

Better information of what will happen in court before court.
(Victim of false imprisonment/domestic violence)

Put it on the net so victims can track cases, have id number and we can see if it [is] going to court etc. [You should have a] right to know when offender is out of custody...

(Victim of domestic violence/false imprisonment)

Ensuring comprehension of the court process through translation of information into the victim's own language also proved a difficulty for some respondents who highlighted the need for adequate translation services:

Properly certified professional interpreters in court are needed...I am a Lithuanian national who was given a Russian speaking interpreter who was originally Latvian. That meant that we had to communicate in Russian which is my second language and the interpreter's quality of Russian language was poor and we could hardly understand each other.

(Victim of sexual assault)

Leaflets, brochures about court procedures in different languages.

**(Victim of sexual assault, abduction,
false imprisonment, domestic
violence),**

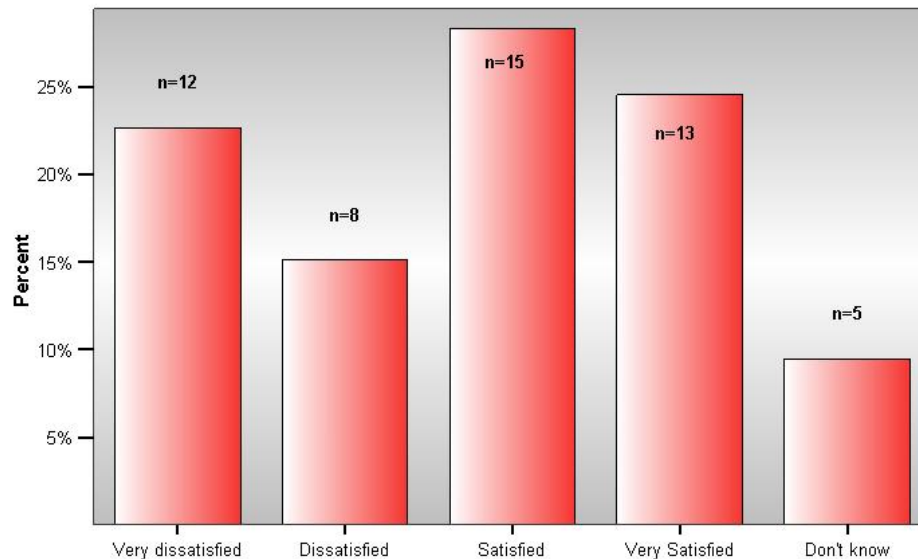
I had to find help on the Internet in a website for Polish people in Longford. Reading English is hard...I am a university student. I know how to get around. How do other people get help if they not working or have internet?

(Victim of False imprisonment/domestic violence)

6.4 Prosecution decision-making and contact

Of those who had contact with the prosecutor/DPP before or during the court case, 53% (28) expressed themselves as satisfied or very satisfied with the service provided. 38% (20) indicated that there were either dissatisfied or very dissatisfied, and 9% (5) were unsure as to whether they were satisfied or not.

Fig 6.7: Satisfaction with Service of prosecutor/Director of Public Prosecutions before or during the court case (Victim Postal Survey)



A number of the interviewees gave positive feedback on the DPP's office. Carol, for example, a victim of sexual assault as a child, felt supported by the prosecuting barrister from the DPP's office.

I met with the prosecuting barrister, somebody from that office [DPP]... Very good, she was very, very nice, she was oozing understanding. The state solicitor was there as well, and the detective sergeant was there... Everything in the court process was explained to me from start to finish...

(Carol)

Meeting with the DPP was also seen as positive by Catherine and her siblings prior to the court case about their brother's murder. Catherine was particularly happy with the opportunity to email a contact person in the office for further enquiries regarding procedures.

At the time [meeting the DPP] we thought it was very good... We went in and met [name] who was the chief senior counsel and the

junior...They told us how the murderer could plead and what could happen on each of those pleas. They told us how the case would proceed if he didn't plead guilty. They showed us around the court and when we were leaving, there was a girl, [name]. She was a legal executive and she was our liaison with them and we could ring her and ask about anything, not about evidence, about procedures.

(Catherine)

Some respondents in the survey also expressed dissatisfaction with the office of the DPP. Reasons for dissatisfaction included downgrading charges, no presence at the sentencing hearing, not giving reasons for a decision not to prosecute, and poor standards of communication with victims. The downgrading of charges or refusal to prosecute by the Director of Public Prosecutions was a cause of concern for some victims.⁵⁰ Two victims had very negative experiences of dealing with the DPP. Ted, who had been assaulted by his son-in-law, could not understand why the DPP had downgraded the severity of the charge. Furthermore, at the day of the trial he met with the state prosecutor very briefly before the hearing.

When the case was coming up, I couldn't get support from anybody. I was disappointed with the DPP, because when I went to the police, when the original crime happened, the police put it down as a charge 3 as regards to the severity of the sentence and it was supposed to go before a jury. But the DPP lowered it down to a lesser court...just before a judge⁵¹...I didn't agree with that...I went to the superintendent in [the garda station] and I asked him would it be possible to meet the DPP because the case was coming up and I couldn't see anyone to discuss the case with...I should have some consultation with them before the case comes up...because the person that committed the crime, he went to his solicitor the day after the crime, so he had nearly a year to prepare his case, so I didn't meet the person from the DPP until 10.20a.m. on the morning of the hearing...She knew very little about it as well...

(Ted)

⁵⁰ In the qualitative interviews undertaken with 12 complainants as part of their study on rape, Hanly et al (2009: 214) noted that 'all indicated that knowing the reasons behind the prosecutor's decision was very important, and that they should not be excluded from decisions that would have a significant impact on their life (sic)'.

⁵¹ An assault causing harm under s. 3 of the Non Fatal Offences Against the Person Act 1997 is a hybrid offence; it can be tried summarily or on indictment. This determination rests initially with the prosecutor. If the prosecutor elects for a trial on indictment, this decision is not open to challenge unless some malpractice warrants a judicial review. If the election is for summary disposal, the District Court judge must be satisfied that the offence is of a minor nature. If not so satisfied, he or she should refuse jurisdiction to try the offence summarily. Under s. 3, a person guilty of an assault causing harm is liable on summary conviction to imprisonment not exceeding 12 months and to a fine of £1,500, or to both. On conviction on indictment, a person will be liable to imprisonment for a term of imprisonment not exceeding 5 years, to a fine, or to both.

Ted was further annoyed with the DPP's office for not turning up at the following sitting when the judge delivered her decision on the case. His only support was the investigating Garda whereas the defendant was supported by his legal team who appealed to the judge to get a dismissal.

Another victim, John, tried to contact the DPP's office after learning that they had decided not to prosecute the man who had sexually assaulted him. He was particularly annoyed with the investigating Garda who delivered that news to him late on a Friday night and then felt that he had done his job.

He [investigating Garda] was quite blasé – I asked him who could I contact in the DPP's [office], who could I go to next?" He said: "I've done my job, you have to go to the DPP".

(John)

John contacted the DPP and sent a five-page-long letter outlining his case again and also submitted all relevant documents he felt should have been included from the Gardaí. The DPP reconsidered the case but decided a second time not to go ahead with the prosecution, directing the Gardaí to caution the accused instead.

The DPP should possibly have met with me...because they made their decision on paper...[I] don't know what information they had from the guards...I gave the guards minute details...What details went to the DPP from the guards I don't know...

(John)

This concern about communication from the DPP led some respondents to call for reasons to be given when a decision is made not to prosecute unless there are compelling reasons not to do so.⁵²

Reason why DPP decide to not prosecute or at least get evidence back so can take a civil case.

(Victim of false imprisonment, domestic violence, criminal damage, stalking)

Carol, a victim of sexual assault as a child, who was happy with the understanding initially provided by the DPP's office, was very frustrated over the fact that the DPP had decided not to go ahead and prosecute three other members of her family.

⁵² The DPP has recently piloted a scheme where reasons are given for prosecutor decisions in homicide cases where the alleged offence occurred on or after 22 October, 2008. Under the scheme, reasons for decisions not to prosecute, or to discontinue a prosecution, are given on request to parties closely connected with the deceased.

...As regards the DPP, you have no access to the DPP, you go through the guards and the guards tell me that even the DPP don't tell them everything, even though the DPP decided not to go ahead with three people that I had made accusations against you are given no reason whatsoever, so that's all very, very frustrating...
(Carol)

The standard of communication with the DPP's office⁵³ experienced by some victims was highlighted in this research.⁵⁴ Valerie, whose father was killed in an accident caused by a woman accused of dangerous and careless driving, was highly critical of the poor communication the family had with the DPP's office.

The first offer from the DPP's office of any sort of communication with us was the day of the prosecution, two and a half years later... We had requested a meeting, because we felt with the lack of communication between the Gardaí and the state solicitor, on numerous occasions we had requested that we should all have a meeting together... We couldn't pin the state solicitor down to do it... They made it impossible... We just felt we were on the bottom of everybody's ladder, that we were nobody's priority, how much more priority can you get than a life has been lost?

(Valerie)

The need for better communication with the DPP's office was also mentioned by some respondents to the victim postal survey, when asked to identify what measures could be taken to improve service provision to victims.

...Better communication with DPP's office... Lesser charges not to be dropped when a more serious charge is taken into account.

(Family Victim of Homicide)

Waiting for court case to happen [is] very difficult... to hear DPP's decision on charges [is] very slow. When in court – no idea when your case will be heard despite listings, court never follows assigned listings. No communication, have to turn up every day even though defence may be aware... so left waiting around for nothing...

(Victim of sexual offences and false imprisonment)

⁵³ The ICCL Report on the human rights of victims in the criminal justice system (2008) recommended a proactive service on the part of the office of the DPP to engage with crime victims. It suggested that this service should include procedures for contacting every victim or their family on receipt of a case file and the arrangement of pre-trial meetings at least two weeks before the trial date. The adoption of such measures would certainly go some way to meeting victim needs in relation to communication and information in relation to the court process.

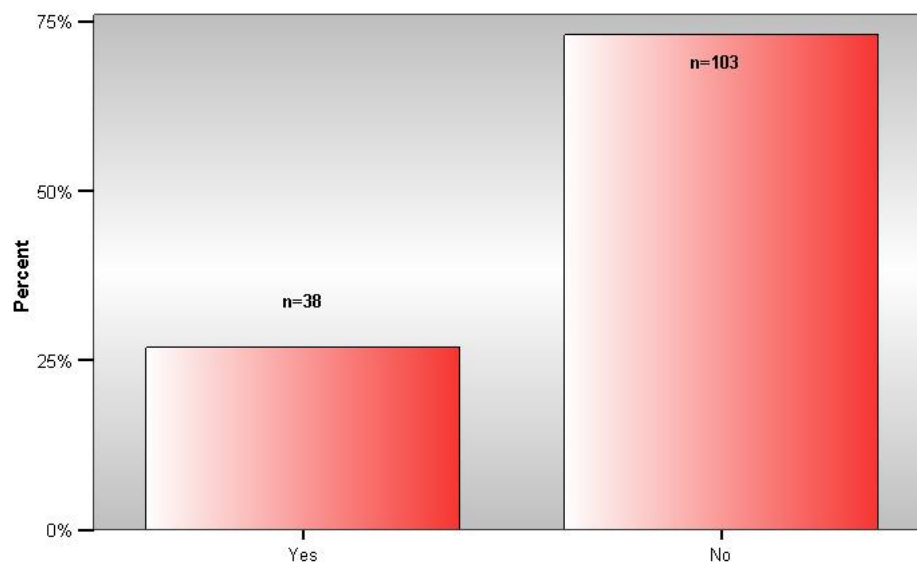
⁵⁴ In Hanly's study of rape in Ireland, it was noted that the most common reasons for complaint withdrawal related to complainant fears about their appearance in court. The study went on to note (2009: 258): "Actively seeking the victim's wishes in decision-making, and especially maintaining communication with the victim throughout the process, may reduce the incidence of withdrawal." See also O'Mahony (2009).

6.5 Court architecture and the organisation of the court hearing

The experience of victims emerging from the study regarding the architecture and design of our court rooms is that they do not appear ‘fit for purpose’.⁵⁵ Many victims referred to inaudibility and difficulty in securing seating, which are very basic ‘service’ type requirements for victims (Ashworth 1998: 33). Bacik et al (2007) have recommended that courtroom facilities be improved to ensure victims have adequate space and to separate them from accused persons. The Irish Council for Civil Liberties Victim Report (2008) also recommended that private and secure waiting areas should be made available for victims and their families and that they should be afforded entry to and exit from the courthouse in a private fashion.

Of the 141 relevant responses to a question in the survey on the issue of access to a separate waiting room, only 27% of respondents (38) reported access to a separate waiting room before the trial, with 73% (103) reporting no such access.

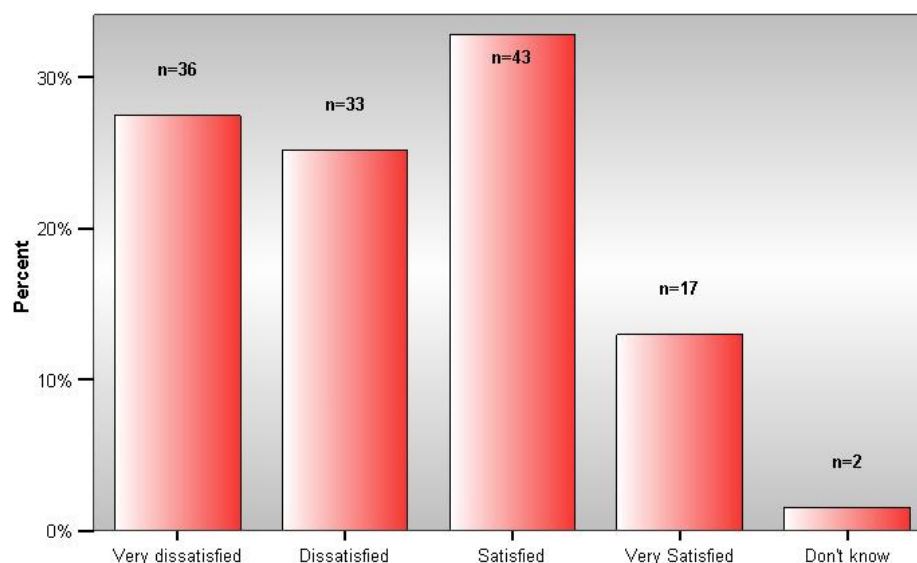
Fig 6.8: Access to a Separate Waiting Room (Victim Postal Survey)



⁵⁵ Complainants interviewed as part of Hanly’s study (2009: 215) also expressed support for the provision of adequate services in court such as separate waiting facilities. One complainant, for example, noted (2009: 215): ‘I had to pass by the accused and his traddle of neighbours...it was just the way the courts were set up’.

When asked to rate their satisfaction with the adequacy of the reserved seating or space provided for victims and their family/friends in the court room, more than half of the respondents who answered the question indicated that they were not satisfied. 69 of the relevant 131 respondents (52.67%) indicated that they were either dissatisfied or very dissatisfied, 60 (45.80%) indicated that they were satisfied or very satisfied, and 2 (1.52%) indicated that they did not know whether they were satisfied or not.

Fig 6.9: Satisfaction with adequacy of reserved seating or space provided for victims and their family/friends in the court room (Victim Postal Survey)



When asked to identify how the criminal justice system could be improved many respondents commented on the need for improved waiting rooms in court.

[In] court [there] should be somewhere private to sit and wait.
(Victim of domestic violence/criminal damage)

They should always have a waiting area separated from the other side...
(Victim of domestic violence)

Room for improvement within the courts:...[there] should be a family room during trial near court. **(Co-victim of murder/manslaughter)**

Not let him (accused) wait in the same area of the court house...
(Victim of false imprisonment, domestic violence, criminal damage, stalking)

Private place to wait in court and that my support person should be in court with me if I ask for her, she had to stand outside and I got confused in court and would have liked to talk with her...
(Victim of sexual offences, domestic violence, assault)

Although some victims indicated that they did not wish to be in a separate room during the hearing as they wanted to be present for all of the case, the absence of the option of such a facility is obviously a cause for concern. This is all the more so as most victims experienced the court proceedings as chaotic and pointed out the inevitability of being in close proximity to and encountering the alleged perpetrator in the course of the case.

Paul, whose daughter was murdered, describes the court experience as frightening but also appreciates the support he received from various people during the trial.

Daunting, absolutely daunting...I don't think I'd ever been in court before....
In fairness to the lads...[They] brought me around and showed me around the court house and they explained what's going to happen and what's not going to happen...

(Paul)

There was no allocated seating for Paul and his family but he did not seem to be affected by the close proximity to the accused. He also chose not to stay in a separate room which was offered to him during the trial as he wanted to be present and listen to everything that was being said.

[The accused] sat very close, he was here in a box...They said that there was a room if we wanted to go to a room and not stay and listen to all of it....No, didn't avail of it...You stare at me, I stare at you...I think I unnerved him quite a lot by doing so...It was daunting...

(Paul)

The defendant's guilty plea was welcomed by Paul who had dreaded that his daughter's cousins and friends would have to be called as witnesses.

My biggest fear was to put the teenagers at the stand...Again they had to listen to what actually happened to [my daughter]...[I was] afraid they'd lose their marbles....[I] didn't want that to happen because they were petrified...When

he turned around to say he was guilty there was a sense of relief...Thanks be to God, they don't have to go through that....

(Paul)

Bernice, a co-victim of homicide, described how her first impression of the court was very negative and not at all what she had expected. This related both to the physical conditions of the court room itself but also to what was said.

When I got there it was just...Four Courts...big drama, big act and a play...lots of lies.... [I] thought it was going to be pure and right...I wanted to stand up and say "that's not true!", not a true picture at all...[I] couldn't believe...how close the accused was to the witnesses, to the family...This guy was left walk around the court...no handcuffs...I know you're innocent until guilty but he was already in jail...[He] had been sentenced for five years... This guy was coming out walking around with everybody else...I was quite scared...[What] if I lose the plot and murder him?....

(Bernice)

I can't understand why it's allowed to happen [that the accused can walk freely around the courts]...It was my first time in [the] Four Courts....[I] would have seen prisoners handcuffed to officers, petty criminals. They would have been handcuffed...and here's someone who's been charged with [murder walking around freely]...If he wanted to kill someone else he could have done too...This went on for a couple of weeks.

(Bernice)

The architecture of the court room including the facility for the accused to move around freely was commented on by Gerry, a victim of kidnapping. He was shocked to see the privileges granted to the defendants during the court process. At one stage the prosecuting team and everyone else connected to them were ordered out of the court.

The criminals who were being tried...I was shocked over the amount of leeway they had as regards pulling in witnesses. One of the lads tried to take on the case...The immediate start meant any witnesses who hadn't given evidence had to go outside the court, so it was like another kick to us, you know, the criminals inside and here we were banished outside the court room not hearing our own case...That was evoking some legalese law that you can't be in the court room listening for fear of prejudice. I thought that was appalling...I felt that it empowered the accused unfairly...and then to go on and [say]:"I've no further case, I'm pleading guilty".

(Gerry)

Another relative of a murder victim, Catherine, had similar views as Bernice on the physical state of the actual court room and the crowds of people trying to get a place to sit.

The court itself is a total circus...I have never in my entire life witnessed anything that was so casual and incompetent...We arrived, we weren't sure whether our case would be heard or not...You have to be through the experience of waiting for a whole year...You're totally hyped up...Will my brother come from Australia, will he not?...Will there be enough judges? There could be five cases and only three judges...They said because it's the first day of the legal term it'll be ok because there won't be any carry over... When our fellow pleaded guilty, they said it probably will be heard [quickly]...I was dreading the thought of going into court...The one thing that I wished for was that [my brother] would not be attacked in court...because nothing but negative things had been said all along and the true story had never come out. Virtually nobody knows the name of the fellow who killed [my brother]...I thought that at least when he pleaded guilty we're safe. Hopefully the judge will give the murderer a bit of a slating for the horrible violent thing he did....

(Catherine)

Catherine and her siblings had been offered court support but declined as they felt they did not need extra support. Their brother was home from Australia and their sister from England. Twelve of their murdered brother's friends were also there. The liaison officer pointed out the accused to Catherine.

We went in [to court]. They were selecting juries, there were four trials starting...They were hanging from the rafters, people everywhere...He [accused] had a shaved head, he didn't look like a killer...Nobody is guaranteed a seat, except the judge, the legal team and the jury. Our fellow wasn't seated...Our murderer was leaning up against a wall...He was not handcuffed or anything but now apparently a lot of judges object to handcuffing until they're found guilty....

(Catherine)

There were three other cases before the case involving Catherine's brother. When it came to their case the defence said that their client pleaded guilty and the liaison officer told Catherine that he probably would not be sentenced that day.

We were sitting on steps up in the gallery...The judge got a bit more animated when he was telling the juries what their duties were...A lot of them looked as if they fell out of bed...Maybe they don't think they'll be selected then if they look like rag bags...Jurors sworn in and sent out...We now are in the front so we can stand and lean over and see what's going on downstairs...Jurors have lovely seats...The jurors are sitting with the accused...How can anyone allow that to happen? I thought this is a circus, it's crazy...

(Catherine)

Suddenly there was a change and the jury was sent out. The liaison officer told Catherine that he would be sentenced and that they had to follow her quickly downstairs to the body of the court in order to hear anything.

As we get to the junction of the stairs...he's been brought up the stairs...My daughter literally touched off him...We could have attacked him...if we were like that...She got such a fright...

(Catherine)

Mary, a co-victim of homicide, experienced multiple adjournments to the trial due to the defendant's inability to attend.

It was a joke in a sense, because on the day of the trial we were standing in the hall and she was standing over where the mirror is with her family, and we're standing here, and when we were in court I'd say she was down there and we were here, which is a joke, an absolute joke....

(Mary)

Mary remembers having court support on the day and that she was concerned about her 15-year-old daughter who had to go as a witness. She also had her husband and brother with her in the court room. Mary did not want her father to come to court as she tried to prevent him from knowing the gruesome details of how his wife had been murdered. The fact that it involved neighbours of the family did not make things easier for Mary.

It was dreadful, because the neighbours...they would have been friends growing up and they only live two doors from us...She [the accused] comes from a huge family and they did come down to us after and they said: "...just because we're standing there, don't for one moment think that we're taking sides"...The whole thing was horrible...It was awful...She should have been kept away from everyone, from her family...She was a murderer and she should have been kept away, she shouldn't have been left mix with our neighbours...just kept maybe in a cell until it was time for her to be brought up...My husband had to sit like that the whole time with his foot out and he kept me in more or less at the wall so I wouldn't jump up at her...That shouldn't happen, that's not right.

(Mary)

The victims of assault had also negative experiences of being confronted with their attackers in the court room. There was no separate seating arrangement and few courthouses could offer separate waiting rooms. They were also very frustrated over the frequency with which they attended court for the whole day only to be told that the case would not be heard.

It was a long drawn out thing...I find it very hard to understand the process...I had to be in [court] on a certain day at 9.30 in the morning. I was told by my solicitor before that that there's no possibility that it would go ahead but you still had to be there and I'm self employed and that meant a day off work...Standing in the court completely wasted [my time] for no reason and that happened on three of four different days...You still have to be there because if the judge calls your name and you're not there there's a problem...

(Barry)

I'm sitting here [in the waiting room] and looking straight over at them, and that wasn't a one-off, that was over four or five visits...So I had to spend four or five days staring at them before we were called into the main room...

(Barry)

Ted also felt intimidated while attending court at the trial of his son-in-law who had assaulted him. The court did not have facilities to offer a separate waiting room area or separate seating for the accused and the victim. Ted did not want to bring family members, apart from his daughter, with him to the court as he feared his sons would get angry hearing the defendant's story.

It was a big court room, the judge was up at the top...His family would come up behind us and start whispering things, you know. I just ignored them...I think they were trying to make me lose my cool in front of the judge...I'm the victim and I'm treated like the person who committed the crime...

(Ted)

Gerry, a victim of kidnapping, similarly to Paul declined the offer to use a separate waiting room in the court house as he did not want to miss anything:

I didn't want to be in a room...Taking in every minute of it...Otherwise you might as well be at home.

(Gerry)

This was not the case for the women who attended court in relation to domestic violence incidents. According to them the court experience was as bad as, and some times even worse than, the violence they had experienced in the home. Tracy, for example, waited over a year for the assault case to go to court and found the experience terrifying.

It was nerve-racking...I had to sit across from him in the court room...I didn't want to be there, I only had my daughter in May...If I didn't go to court I could have been locked up [for] contempt of court...Why should I have been locked up? I didn't know what to expect. I never pressed charges against anyone...Scary...First time in a court room...really scary.

(Tracy)

Brendan had a lot of views on how family court procedures should take place in order to minimise the feeling of intimidation for people involved.

The waiting areas leave a lot to be desired. Ok, the Circuit Court in Phoenix House down here, they have private places where people can go in, but there's only five of them...There's about 60 people in court so all the others just have to stay around and they're staring at each other...I think that for family law, which is presently in camera, it should be a small room, where it's not intimidating. It's just an ordinary room, it's not the actual court room itself. The judge and the court clerk should sit with the two people at either end; it

should be a special room, not the ordinary open court, but the court would be cleared. It's in camera, but you're in this court room and the judge is up there, looking down at you, it's intimidating...I know if I wasn't in the job that I'm in (Garda) it would have been very, very intimidating...I would probably have walked away from it...I was never afraid of court, I was never afraid of getting up and telling my story...

(Brendan)

Kylie wished that she would not have been confronted with her ex-boyfriend.

It was absolutely horrible. He was sitting right beside me at one stage...It was the worst...I never want to do it again...[I] remember at one stage...[a] friend asked me to come out have a cigarette as I was shaking...He [the accused] came out, followed me out...all cocky in front of me...In the end my father copped...and [the support worker] copped and they were out in a shot...

(Kylie)

Kylie and her father spent around four/five days sitting in court from early in the morning until late in the evening waiting for the case to be heard. This frustrated her father in particular as he was losing days off work. Kylie, however, was more upset over having to see the man who had assaulted her so badly.

Kylie went ahead with the court case as people told her she would protect other women in the same situation if she did. In hindsight, however, she felt that it was not worth it as her ex-boyfriend was never imprisoned for his wrongdoing. The terrifying experience of attending court also influenced Kate's daughter to ultimately withdraw her case as Kate's husband awaited trial for assault.⁵⁶ Kate and her daughter had, like other participants in this study, attended court on several occasions waiting for the case to be heard. The investigating Garda had informed them that the accused was out on bail but they had to find out the dates for the court hearings themselves.

No waiting room, sitting in the public gallery, sitting up at the back of court.... It kept getting put off...We were told when, after the first time, we were told the dates so we went to the next one in case we were needed...We knew that it was coming up...The guards weren't telling us...

(Kate)

Kate and her daughter felt very alone in the process and in great need of someone who could have helped them understand the legal terms. The crowded conditions of the court room were also intimidating, in particular as Kate's husband was well known in the town.

⁵⁶ In addition to assaulting Kate, Kate's husband also allegedly assaulted her daughter.

We could have been sitting beside each other, a couple of steps up like that...and everybody is crammed in...So when the guard put up his finger and called [my daughter] she had to walk through everybody...So everybody got a good look and my husband is well known in the town...They know her...So everybody knew...It was a horrible experience for her...but she was strong enough, and she did go.

(Kate)

Kate would have preferred if her daughter had been able to stay in a separate room while attending court and waiting for the case to be heard.

A little room for a victim that they don't have to be looking at the person who's after abusing them...in the court room...My husband sat in the court room, arms folded, head up high, like the big lord I am. My daughter was cowering in her chair afraid to turn her head because she didn't want him to think she was looking at him...There should be a little waiting area for victims away from the person...It's despicable...I think domestic violence is a different crime...Even if you're waiting for the case to be heard...to sit in the court room for hours and hours, it's not right...There should be a little area where you can be taken to....

(Kate)

Clodagh, another victim of domestic violence, went to the court on her own to obtain a protection order,⁵⁷ as the Garda had advised her to do. Although she was terrified of her husband and his abuse, the dealings with the legal professions proved to be as frightening to her.

I decided that I had to go...I'm going to have to do this on my own...I went in shaking, terrified, sick to the pit of my stomach, and I asked this lady where it is and...She spoke down to me...I think women should be there for women.... They're very quick to judge, when you're feeling so down, you couldn't get any lower and then you meet that [attitude]...and I went in and I seen the clerk...and she was lovely, she was completely the opposite...."You're in court...they call you when you're ready"... "What? Today?"...I put my head down because I didn't know what to do...Next thing this guard came out and he said to me: "Are you in court today?" [I said:] "I think so...what do I do?" They call out your initial and you say yes...is that it? ...You will be called.... I sat down with my head down again for hours, and I went in and the judge was there and the clerk and that guard..."Put hand on bible and swear"...I was absolutely terrified and the fear of the court room never left me. It scared the living daylights out of me...He [judge] says: "I'm giving you a protection order...Go to the barracks and hand it in and keep one and give it to him.

(Clodagh)

⁵⁷While waiting for the court to hear an application for a safety order or a barring order under the Domestic Violence Act 1996, as amended, a complainant can request an immediate order, called a protection order. The protection order has the same effect as a safety order. It only lasts until the full court hearing of the safety/barring order. In exceptional circumstances the court can grant an interim barring order. This is an immediate order, requiring the violent person to leave the family home.

Clodagh was physically sick with worry about letting her husband know that she had obtained a protection order against him. Initially she did not know what it meant and so it was explained to her that if her husband did anything to her she could pick up the phone and ring the Gardaí and he would be arrested.

Clodagh did what she was told and her husband did not show any reaction at all; neither did he talk to her about the upcoming court case. He appeared in court the day it was listed. Clodagh remained terrified during the proceedings. Her husband, however, defied the Judge and refused to give his side of the story resulting in a safety order⁵⁸ for five years.

He [husband] was back behind me. I could see him with the corner of my eye, I'd prefer if he couldn't see me directly...I thought this is too open, too intimidating...court itself, the judge, everything is intimidating...I can't handle the court, scary...[The] judge looked at [the defendant]: "I see you have no solicitor...Do you realise what a protection order is?" [The defendant replied:] "No?"[The judge said:] "I'm going to tell you" and that's when I got the gist of it. "I'm going to tell you, you don't lay a finger on her, you don't look at her in a bad way, you don't make her feel unsafe, you don't swear at her, you certainly don't hit her...If you do, she could pick up the phone and ring the guards. The guards would come out and pick you up and you'd be in prison overnight and you'd be barred from the family home for six months."...So that part was good. [The judge also said:] "She can't change her mind...Even if she does...that's tough on her because we'll pick you up anyway...Tell me your side of the story." So he said: "no." [The judge said:] "I'll give her a safety order for five years! Go up to the guards and register"...I thought the judge was on my side when he said that, but looking back, looking at him, how arrogant was he [husband]?

(Clodagh)

Paradoxically, Clodagh experienced both intimidation and support in the court in relation to her case. This was also the situation for Valerie, a victim of dangerous and careless driving which caused the death of her father. This court case, as already discussed, had been adjourned several times over a period of two years, before it was heard. Valerie described the actual court room itself as overcrowded.

It was a nightmare...The District Court, it's like Paddy's market. Everybody is in and out, in and out, you can barely get in, you can barely get out, calling for people out in the hall...It's busy...On each occasion she [the accused] was

⁵⁸ A safety order is an order of the court which prohibits a violent person from further violence or threats of violence. It does not oblige the person to leave the family home if he or she resides there. A safety order will be granted where the court considers that there are reasonable grounds for believing that a person's safety or welfare is at risk.

sitting in the seat before we arrived in...We found a seat in between, God knows, trying to find and scrambling for seats...I could have met her anywhere. On one occasion I came out...I said to my godfather: "I'm going to use the wheel chair toilets because I know I'm not going to meet anyone in the toilet when I'm washing my hands because I don't want to meet her face to face, I don't want to hear what she has to say directly to me..."

(Valerie)

It went to trial in November, it was first on the list. The judge decided, when he heard what was on the list, it would take priority...[She was] still pleading not guilty to the charge of dangerous driving causing death...This woman had, on the Tuesday, Wednesday, Thursday, not just her sister with her but she had her parents and siblings...She was one of seven, all seven, their partners.... There was just the four of us...We went in to court initially...It was a big enough court room...We saw where they were and we went over to the side and sat in a different area...[On one occasion] we couldn't physically get in to the room...We were outside in the corridor at the time...

(Valerie)

The wait for justice was even longer for Carol who had been sexually assaulted by family members in her childhood. Her experience of the court was similar to the others in this research: too crowded, hard to get seating and hard to hear what was being said.

Horrible court experience...Everybody is squashed in...hard to hear...so many people...Everything is heard together...20-30 for mention...Anything from a burglary...no TV-license...very tight. Very fast moving...hard to hear... so many people there...

(Carol)

Carol's experience of court would have been much worse if she had not been supported by the court support service. She was not offered a separate waiting area⁵⁹ and felt intimidated by the defendant and other family members.

No separate waiting area...If I wasn't aware of the court support services I would have sat next to perpetrator...No reserved seating...They could have sat next to us...I was relying on people who were with me to protect me...Let the guards know I was nervous...At least five-six members of my family [were] intimidated...I thought [the system is] in no way facilitating victims....

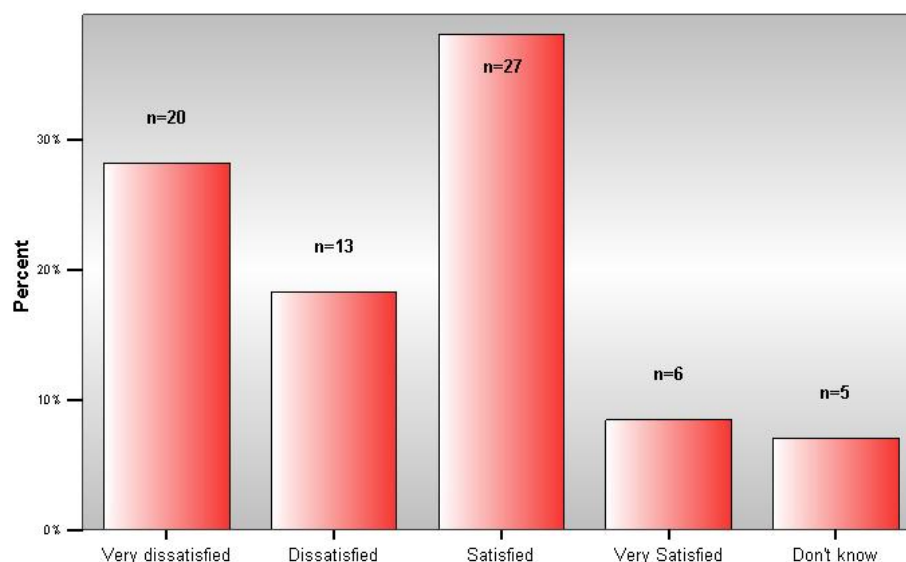
(Carol)

6.6 Sensitivity of Court Professionals and the Court Process

⁵⁹ The new Criminal Courts of Justice complex in Dublin includes a safe and secure area for victims and witnesses in criminal cases (White 2007: 1-5).

Bacik et al (2007) identified the lack of sensitivity from judges and other legal professionals as well as language and literacy problems for victims as being amongst the issues raised by many victim support organisations. In this study, respondents were asked to rate their satisfaction with the experience of being called as a witness in court. Of the 71 relevant responses, 46.5 % (33) indicated that they were dissatisfied or very dissatisfied, 46.5% (33) indicated that they were satisfied or very satisfied, and 7% (5) did not know whether they were satisfied or not.

Fig 6.10: Satisfaction with the experience of being called as a witness in the case (Victim Postal Survey)



The legal profession, solicitors and judges are singled out for both positive and negative mention, particularly in terms of their communication regarding the facts or issues involved in court cases, quite apart from the ultimate legal decision or verdict itself. It seems that most victims appreciated a positive communication from a judge, in particular expressing an appreciation/acknowledgement of their point of view even if the outcome did not reflect that perspective.

In the case of Valerie, for example, she and her family were agreeable to accepting a lesser charge and the defendant was given the maximum sentence for careless driving

and lost her driving license for a year. Valerie recalls the judge saying that if it had been up to him she would have lost her license for a longer period. The judge was also noticeably angry over how the defendant had been granted free legal aid.

Judge got totally irate... “How did she qualify for the free legal aid?...A complete abuse of the system...This case would have been dealt with and would have helped the [name] siblings far greater but it’s been dragged out.” And he totally acknowledged all of that...I tried afterwards to get a copy of the sentencing speech but it was impossible to get it, only if you appealed... He went to great length to explain the difference between dangerous driving and careless driving and for her to realise what she had done...We really felt he (the judge) understood where we were coming from...

(Valerie)

The Judge’s comments were the only positive outcome of the two and a half year long ordeal for Valerie and her family.

Paul, whose daughter had been killed, experienced the role of the prosecuting barrister and judge as very positive in terms of articulating and appreciating his story:

...[The prosecuting barrister’s] opening speech [was the] most remarkable speech I’ve ever heard in my life...The guy had everything down to a tee... He told me exactly what he was going to do...It was there in black and white...from the reports...Even the judge said: “I don’t want to hear anymore”...He was actually very moved with what was going on....

(Paul)

Paul also found the judge very sympathetic and understanding as he spoke to him after the trial and looked at photographs of his daughter. He also had the opportunity to meet him at a later stage in connection with meetings organised by the support group AdVIC.

[The trial Judge]...I found him [to be] an absolute gentleman...[I have] met him in Dublin a couple of times since...Absolute gentleman...No bullshitting...straight down the line...He came down afterwards and asked could he look at the photographs...

(Paul)

On the other hand a negative communication resulted from the Judge calling Kylie, a victim of domestic violence, ‘a child’:

...Before I even got up I was crying...The judge scared me more than anything...not very empathetic...A man’s man...terrifying...The one person that I was afraid wouldn’t believe me...He kept calling me ‘a child’...When we split up I was nearly 20...

(Kylie)

Similarly Mary resented the Judge referring to her mother who had been the victim of murder as ‘an old lady’⁶⁰.

I felt that the judge was so disrespectful in the sense that he didn’t know my mother’s name, he just kept calling her the “old lady.”...I just thought it was so disrespectful...He should have known her name...At one stage I just wanted to jump up and say to him that old lady has a name...

(Mary)

The availability of a solicitor for Heather and Anne’s separate cases was not a panacea for alienation from the legal process or language. Heather was a victim of domestic violence with an ongoing parallel separation and custody case. Her limited comprehension of the legal system caused her to take a decision to withdraw her case against her husband, a decision she later regretted.

It was in the District Court...I was very, very vulnerable...I was twelve months in the house and just beginning to get it right...The refuge lady came with me...I remember [the solicitor] said to me: “If you don’t give witness today the judge won’t think any less of you and he wants you to know that.” I took from that that in fact I was urged not to give it [evidence at trial]...I had my family bombarding me. I had [ex-partner] bombarding me [to drop charges]...I remember coming out saying to the girl [support group]: “I’m so happy it’s over now, he’s agreed to attending MOVE [Men Overcoming Violence], he’s agreed to pay, I think it was €25,000...for my share of the house...leave the child custody as it was...”I remember coming out feeling very happy, we’ll be able to get on with our lives...kids being able to settle...

(Heather)

Next thing I knew, and yes, I was fundamentally at the time very happy thinking this is over now...But I didn’t know I withdrew it [the case]...I still thought something would be done...I remember that guard coming up to me, that woman garda and asked me, and [I said]:“oh, we did a deal at the end of the court room and [ex-partner] has agreed to go to MOVE.” I told her everything...and I remember her sighing and walking away but she never educated me either....⁶¹

(Heather)

Another reason why Heather agreed not to pursue the assault case was the pressure she had been put under from other people, including her own family, who did not want her ex-partner to have a criminal record. They argued that it would affect her children negatively and that she should get on with life now that she had left him. Heather’s wish to facilitate a good relationship between her children and their father

⁶⁰ Judicial insensitivity is not without precedent. Hanly et al (2009: 209) in their study recorded that one of the interviewees, who found the judge to be highly insensitive, stated that ‘the judge wished the accused a merry Christmas and didn’t even acknowledge who I was’.

⁶¹ The implications for Heather of withdrawing the assault case are detailed later in the chapter.

was another factor in her decision. The timekeeping practices in the court caused further difficulties for Heather in her role as a witness. Balancing child-care responsibilities with the hours of the court caused her a lot of worries. Heather recalls that the court case was running so late one day that she was not able to collect her children before the crèche closed.

When I went in to the court room that day, we were there all day [My solicitor] said judge [name] rises every day at 5 o'clock, his wife comes and collects him for his dinner and he's gone. If we're not in the court before 5 o'clock we won't be seen, and I was still there at 5 o'clock and we weren't seen...The crèche was closing...All I was thinking was: "who'll collect my children?" And I remember ringing the crèche asking can somebody stay back I'm going to be late....

(Heather)

Another issue of concern to victims is the role of the media. Some respondents expressed unhappiness with the intrusiveness of the media:

The right to privacy is huge. The press are far too intrusive. That added to our stress.

(Co-victim of murder/manslaughter and sexual offences)

After verdict, [there] should be a media-press room. It is a danger giving interviews on the street.

(Co victim of murder/manslaughter)

Catherine, whose brother was killed, also documented the insensitivity of the media in the court room:

When [my sister] was making her victim impact statement, there were three journalists in front of us, and when [my sister] was in the middle of it, the middle journalist just got up and left court...In order to get out she had to move the fellow beside her and he had to lift up all the bags to get out...It was horrific...People are totally insensitive...They could show some sensitivity...

(Catherine)

The inability of the system to literally hear or understand certain stories or experiences is clearly revealed by the findings in this research. An undercurrent of prejudice regarding the treatment of victims, whereby they are differently received in terms of whether they are perceived as good victims or bad victims would seem to emerge from the survey. Catherine for example, believed that her brother was regarded as a less worthy victim because he was gay and his encounter with a stranger which led to his death was relayed as something quite consensual.

The senior counsel had said to us in the grand hall beforehand [that they would] try and place some of the case on records...So I thought it was all for the good...He's supposed to be on my side...So next thing he stands up and says: "My Lord, I just want to..." We couldn't hear half of what's being said because there are no microphones, only the judge seems to have a microphone...The sergeant from [garda station] is called up...My brother from Australia nearly broke my fingers, he started to question him along the lines, the story he brought out was 100 percent the murderer's story. It sounded like two acquaintances, who were gay, met in town had few jars, went back to [brother's] apartment, had a row about sex, [brother] asked him to leave, he ran in to the kitchen, got a knife, asked him for cash, [brother] said no, there was a scuffle, [brother] pushed him and next thing there was blood on the ground. At that point [name] ... said: "My Lord, why is he distressing the family with all this?" And the judge said: "I agree, stop"...I was thinking why is he bringing up the murderer's story?...And the defence is leaping in to protect us, what is he thinking?

(Catherine)

Many victims were also very frustrated by the general insensitivity of the court process. This insensitivity took the form of delay, humiliation, the crowded nature of the proceedings, and the lack of separate waiting areas.⁶² As alluded to in section 6.2 on delay, for example, frequently having to attend court for the whole day only to be told that the case would not be heard was difficult for many victims.

Anne, a victim of domestic abuse for over 37 years, was one of many participants in this study who was terrified of the court procedures. Her first time in the court house was when she tried to obtain a barring order against her husband.

The first time I went into the court house in my slippers and nightdress under my coat...I was told to go to my doctor...I didn't know I had to go to the guards first...I didn't know how to do it...My doctor drinks with my husband....Well, then you're in real trouble...but I did take out the barring order...because I was terrified of my husband...He did all of that...I'm not going to go in to somebody who's drinking with my husband...

(Anne)

Anne's husband took her to court in order to get a separation. This experience had a very negative impact on Anne.

I was trembling, I was shaking...[I will] never forget that feeling as long as [I] live...When I went into court I was with [a new barrister]...[I was] in a fog...just following them...third time in court...Next thing he was called in...I thought it would be fixed up outside...Husband telling judge about the

⁶² On separate waiting areas, see section 6.5.

useless person he had married...I wasn't called up at all...Judge said to him to stop that sniping about me. I felt really bad that he was allowed to say [that about me]...She [the judge] stopped him after about five minutes...He was going on about all that stuff...I felt horrible...She did tell him to stop but I think they were enjoying it...The barrister and the lady judge...They couldn't feel what I was feeling...I felt I was being raped...I was shaking...

(Anne)

Anne never felt that justice was done in her case and she was left feeling totally unsupported by everyone involved, including her own solicitor.⁶³ Catherine, as mentioned earlier, had views on the physical state of the actual court room and the crowds of people trying to get a place to sit.

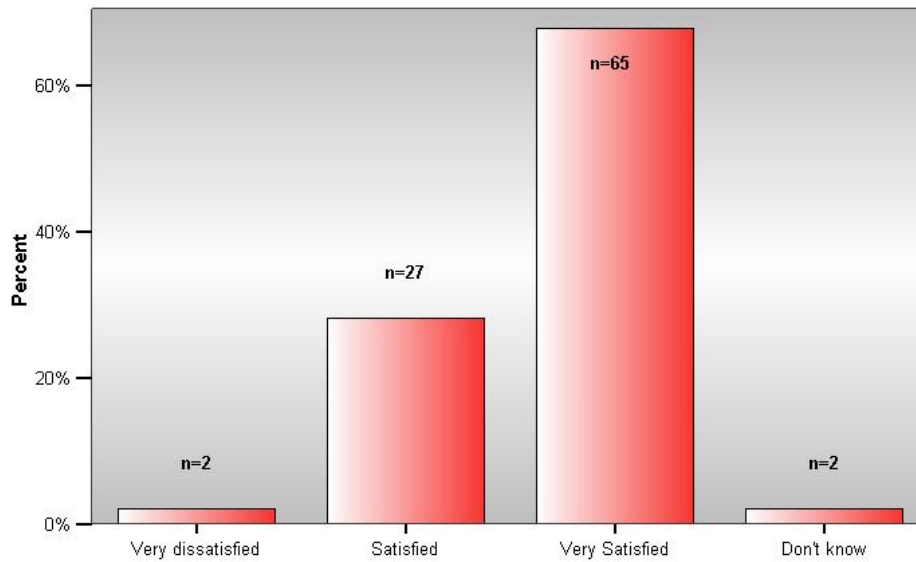
The court itself is a total circus...I have never in my entire life witnessed anything that was so casual and incompetent...We arrived, we weren't sure whether our case would be heard or not...You have to be through the experience of waiting for a whole year...You're totally hyped up.

(Catherine)

Court accompaniment is one important means of minimising the negative impact of a victim's experience of court. The victim postal survey, which asked respondents to indicate their level of satisfaction with court support they received from support organisation personnel, revealed very high levels of satisfaction with the service provided. Of the 96 respondents who had used such a service, 96% (92) reported that they were very satisfied or satisfied with the level of support received from support organisation personnel. Only 2% of respondents (2) indicated that they were very dissatisfied with the support received from support organisation personnel, while a further 2% (2) indicated that they did not know whether they were satisfied or not.

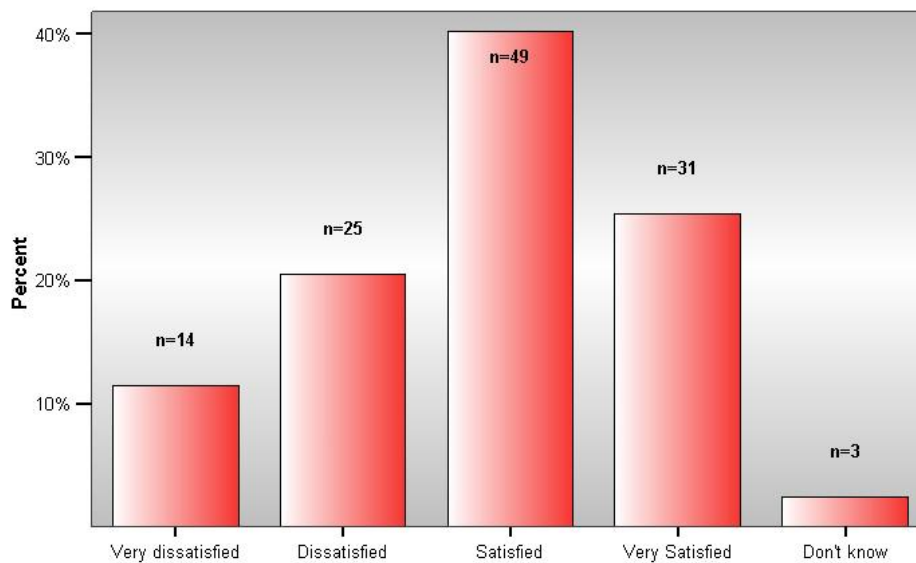
⁶³ Hanly *et al* (2009: 208) in their study document similar observations by rape victims. As one victim noted: "I just found that you are extremely vulnerable and you're very broken and you're extremely sensitive...you have to defend...because the way the criminal justice system is...[Y]ou have to go through the process of...being examined, making statements, being questioned, being ridiculed, asking about the most private details of the assault, the rape or whatever, the attack. You get very little support...you're in a very lonely kind of place." Another victim in that study noted (2009: 209): "A victim in court is treated with very little respect".

Fig 6.11: Satisfaction with support received from support organisation personnel in the court room (Victim Postal Survey)



Participants were also asked to rate their satisfaction in relation to the support they received from a solicitor or legal team in the court room. Of the 122 relevant responses, 32% (39) indicated that they were either dissatisfied or very dissatisfied; 65.5% (80) indicated that they were satisfied or very satisfied, and 2.5% (3) did not know whether they were satisfied or not.

Fig 6.12: Satisfaction with support received from solicitor/legal team personnel in the court room (Victim Postal Survey)



The counselling I received has been wonderful. My court accompany was of a tremendous help during the court process, as was my solicitor.

Female (30-39) Irish Sexual offences/Domestic Violence

Overall it is clear that where victims used either a support organisation or a legal advisor to provide support in relation to the court process, their experiences were largely positive.

6.7 Understanding of the Legal System.

Bacik et al (2007) have recommended the provision of more detailed information about court procedure should be co-ordinated at a national level. The ICCL Victim Report (2008) similarly recommended that measures should be developed to ensure that victims are acquainted with the court complex and informed of the legal arguments/rulings in plain language. A lack of understanding of the law, the legal system or indeed the legal basis or significance of a decision within the trial is a very striking and fundamental feature revealed in this research.

When victims were asked to identify areas where the criminal justice system could be improved, information about the legal process was identified as in need of improvement :

Information about abuse and also legal system.

(Victim of domestic violence, false imprisonment/stalking)

In some cases a victim's lack of information about aspects of the legal process related to the details of the case such as in the case of the admissibility of evidence (e.g. photographs) or the limitations of the admissibility of a Victim Impact Statement. It also related, more fundamentally perhaps, to the overall implications of the proceedings for the victim's future in terms of subsequent disputes and the resolution of custody issues. In part this is a product of the confusion or conflation of domestic violence and marital issues by victims; but it is also revelatory of how some victims can be advantaged — and others relatively disadvantaged — by their knowledge or lack of knowledge of the system. If equipped with knowledge of the system, victims are empowered to judge for themselves the best route to take in their overall particular circumstances rather than having the issue determined by the advice of a legal representative who may be more focused on resolving the immediate legal issue before him or her.

Heather was a victim of domestic violence with an ongoing parallel separation and custody case. Her partner was, however, never prosecuted for the assault, something which she regrets bitterly. Lack of knowledge in combination with lack of support from her own solicitor made her withdraw her case. As discussed above, a reason why Heather agreed not to pursue the assault case was pressure from others, including her own family, who did not want her ex-partner to have a criminal record.

Heather's life, however, turned upside down as her ex-partner pursued shared custody and won this later in family court. This became a nightmare for Heather who had applied for a new job in another part of the country in order to be nearer to her own family.

After the DPP's case was withdrawn, Heather's ex-partner accused her of making a false statement against him. He brought her to court wanting full custody of their children as Heather proceeded with her plans to move to take up her new job. This was held against her in court.

[My ex-partner's barrister] said her client's access shouldn't be reduced because Mrs X is taking a career move 20 miles away....[I was portrayed] as a career minded bitch who had no respect for the connection of children to their father and in fact I was the opposite...

(Heather)

Her ex-partner's violent behaviour was never an issue during the family court hearings. In fact, the situation became the opposite where Heather was portrayed as a bad mother who put her career before her children's needs.

I took my children out of abuse and out of violence and the court threw them right back in there...to the man who had caused all the violence and all the abuse...If a man has been criminal in his home why leave him have the power...He should have been prosecuted.... [The] solicitor knew the system. I didn't...I didn't meet any DPP, I didn't know I could...I thought they were above me somehow, that this was just a process. I was total novice and I only learnt after the event.... My heart was in the right place...

(Heather)

Heather argues that her attempts to put her children first by withdrawing the criminal complaint backfired on her when she lost full custody of her children. She feels that the case became a battle between solicitors and barristers who fought their cases regardless of how the children would be affected by the outcome.

Children also paid a heavy price in Brendan's case, where his wife had accused him of sexually assaulting them. Social workers had placed the children in foster care as the investigation proceeded. Brendan's experience as a Garda however was a considerable help to him as he knew the procedures that had to be taken before he could gain access to his children again.

At least 20 times in court...I'm not a lay person because I know the way the courts work and I knew that the system takes time and it did take time...I was delighted the way the court worked in the end...Maybe not at the time...At least I knew that they [children] were taken into care, that was a big decision that the court made, and a good one that they made...The children were in serious, serious danger. My wife was quite capable of killing herself, killing the children...I went along with the system, if you try and fight the system and try and insist on something you will never ever get anywhere...I went along with the system of the HSE, with the guards and the courts and that's the only way you can do it, there's no alternative...

(Brendan)

Judging by the above two cases, it makes a huge difference to victims if they are informed and educated regarding legal issues and procedures. Heather, for example, felt like a novice and learned in hindsight what she should have done. Brendan, on the

other hand, knew how the court works and that he had to follow the rules, although it meant that the children lost both their father and mother while the investigation proceeded.

Prior to her court case, Tracy's ex-husband had sought and won custody over their two children. Tracy believes that if the assault case had been heard before the custody case she would not have lost her children. She had tried to get a copy of her statement from Gardaí to use in the custody case, but this was not permitted:

I picked up with him [abuser] and we had a brief relationship. Then we broke up and then I was beaten up and my two children were taken off me and given to my ex-husband...because they said if I didn't protect myself, how could I protect my children?...

(Tracy)

A lack of information about rules of evidence regarding admissibility can also result in victims sometimes feeling unable to tell their story in court. In part, this lack of knowledge about evidentiary rules and criminal and civil procedures could be ameliorated by good communication with lawyers and court officials.

Ted, a victim of domestic violence, was anxious that his photographs of his facial injuries would be used as evidence, as well as his medical records. They were, however, not allowed to be used as they had been submitted by him and not the state prosecutor.

They took one or two photographs in the police station...but I seen them the actual day of the court and they were very bad...For facial injuries it was absolutely ridiculous...They just showed there were marks on my face but they couldn't show the severity of it...

(Ted)

I brought along the photographs on the day of the trial and the DPP was shocked....and she said to the judge "can I use them as evidence?" So of course his guy [accused's lawyer] jumped in then and said; "no, you can't use them as evidence." And they went off then and discussed all this and the judge said: "no, it's too late".

(Ted)

Photographs taken by Tracy's father which indicated the extent of her injuries after a domestic violence incident, were not allowed as evidence in her case; neither were CD-recordings of the accused's threats to her. The judge, however, believed Tracy and sentenced the man to eight months in prison. The investigating Garda told Tracy

afterwards that it was over and that she did not have to fear this man again. Tracy, however, was never told that the man later paid his bail⁶⁴ and was out after two weeks.

No one told me...word of mouth from Mum. I felt really let down from the courts...Once a woman beater always a woman beater.... It's not his first..., eight nine ten record since of beating women...After two weeks he was out...I think I should have been notified that he was out on bail, that he paid his bail.

(Tracy)

The issue of access to information was another factor which led to dissatisfaction with the legal system. Ted, a victim of domestic violence, believed that the defendant's legal team was allowed more time and access to documents in comparison to him.

...So the judge then adjourned sentence, it was in October.... He [the accused] brought along a junior barrister and a solicitor...and they had a mountain of papers...The history of this, the history of that...And I was told that I wasn't allowed to bring notes...That's absolutely ridiculous, I'm there on my own... I had never been in a courtroom in my life before...It's pretty unnerving, I don't like it, you know...

(Ted)

Several victims in this study expressed frustration and disbelief over not having access to the same information as the defendant and his/her legal team. This was particularly the case for those people who had lost a close relative through murder.

I feel he's our brother, he's dead....The only ones who can see the book of evidence is the murderer and his legal team...That's not right...I represent the victim because he can do nothing for himself...We have the right to know exactly....We should be entitled to know every single thing...I have no faith in the criminal justice system, the victim has not as much rights as the killer...

(Catherine)

He was convicted in early December...I had some questions...but I didn't have all documents in front of me...Once I got the coroner's report, the state pathology report, the autopsy....that put everything together, but even with that I wasn't happy....You weren't entitled to the book of evidence, I kept saying it's ridiculous....You're talking about your child and not anyone else's child...

(Paul)

⁶⁴ Indicating that an appeal was taken against sentence, conviction, or both.

We didn't know what was contained [in the book of evidence]. We didn't know until April 2008, maybe what her version of events was, but a loose comment "we all know she fell asleep at the wheel" from [investigating garda], we didn't know where that had come from...Once the book was presented in December we felt that we should have been in the position of seeing it too. We didn't know what they were going to throw at us. We didn't know what everyone else was saying...It was all speculation and lack of control, the whole roller coaster thinking you're getting there and it would all be taken away from you...Not knowing what she was thinking...She knew exactly what I was saying what I had seen...Not knowing her version of events...Not until her plea of careless driving...Very unfair...She broke the law, she killed somebody...but it just seems that all of the rights and entitlements are to the defendant.

(Valerie)

Finally, it is worth noting that a small number of respondents to the victim postal survey, suggested, when asked, that victims should have a right to legal representation:

We should be assigned our own legal solicitor as the victim has no voice if in court and things are been said that are not true. The family should be able to "have that voice" with issues as slander.

(Co-victim of homicide)

Representation similar to what 'criminals' get in court system.

(Victim of robbery/burglary)

6.8 Victim Impact Statements

Under section 5 of the Criminal Justice Act 1993, provision is made for the court to receive evidence or submissions concerning any effect of the offence on the person in respect of whom an offence was committed. The offences in question are limited to most sexual offences and offences involving violence or the threat of violence to a person. Courts also however have a discretion to admit the victim impact evidence of family members of homicide victims.⁶⁵ The court may hear the evidence from the person against whom the offence was committed if that person requests it. The only purpose for which a victim impact statement can be received in court is to describe the impact of the offence on the victim. It cannot be used to adduce further evidence, to suggest the sentence that should be imposed, or to make fresh allegations.⁶⁶ The

⁶⁵ See *DPP v O'Donoghue* [2007] 2 IR 336. See also O'Malley (2009: 885).

⁶⁶ In *DPP v O'Donoghue* [2007] 2 IR 336 at 359-360, it was stated: 'It is the view of this court that in the event that a sentencing judge...permits such a victim impact statement to be made [in a homicide

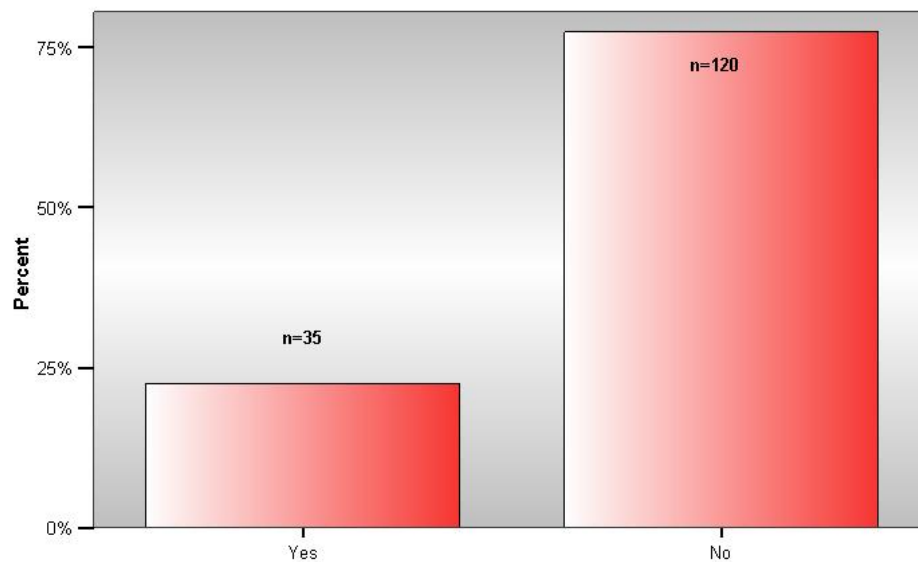
Criminal Procedure Bill 2009 will amend the Criminal Justice Act 1993 to allow for the introduction of victim impact evidence by a family member when the injured person is under 14 years of age, or suffering from a mental disorder, is ill, or otherwise incapacitated. It also proposes to extend the entitlement to adduce victim impact evidence to family members of homicide victims. This was recommended by the *Balance in the Criminal Law Review Group* in March 2007.

The victim survey results demonstrate that we are very far from a situation where a victim impact statement is even commonplace with only 22.6% (35) of respondents whose cases proceeded to court reporting that they were offered an opportunity to give a Victim Impact Statement.⁶⁷

trial], such a statement should only be permitted on strict conditions. In particular, a copy of the intended victim impact statement should be submitted both to the sentencing judge and to the legal representative of the accused, it being assumed that it will already have been made available to the prosecution. This must be done in advance of the reading or making of the statement itself in court so that both the sentencing judge and the accused's legal representative may have the opportunity of ensuring that it contains nothing untoward. Assuming that the content of the proposed statement meets this requirement, the person who proposes making the statement should be warned by the sentencing judge that if in the course of making the statement in court they should depart in any material way from the content of the statement as submitted, they may be liable to be found to have been in contempt of court. If it be the case that such a departure occurs and involves unfounded or scurrilous allegations against an accused, that fact may be considered by the sentencing judge to be a matter to be taken into account in mitigation of the sentence to be imposed.

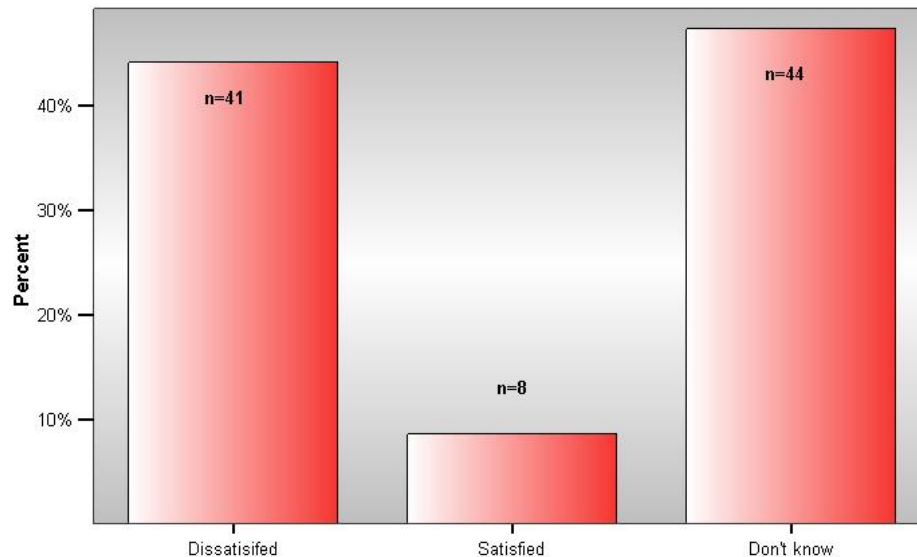
⁶⁷ It is important to bear in mind, however, that not all respondents would be entitled under section 5 of the Criminal Justice Act 1993 to make such a statement given that the offences involved were not of a sexual or violent nature.

**Fig 6.13: Were you offered an opportunity to give a Victim Impact Statement
(Postal Survey)**



Respondents were also asked how they felt about not being offered the opportunity to make a victim impact statement. Of the 93 valid responses, 44.1% (41) said they were dissatisfied about not being offered the opportunity, 8.6% (8) were satisfied and 47.3% (44) did not know whether they were satisfied or not.

Fig 6.14: How respondents felt about not being offered the opportunity to make a Victim Impact Statement (Victim Postal Survey)



Some of the interviewees in this study resented the fact that they were not given the opportunity to give a Victim Impact Statement. They argued that the effects were serious and long lasting and that their voices should have been heard in court.

Don't even know what victim impact statement is...I would have liked to make one.

(Tracy)

There should have been in my case, a victim impact statement, because it has had a big impact on my life! Absolutely, for people who go through situations like what I've gone through in Family Law, there should be impact statements, and for the children as well.

(Brendan)

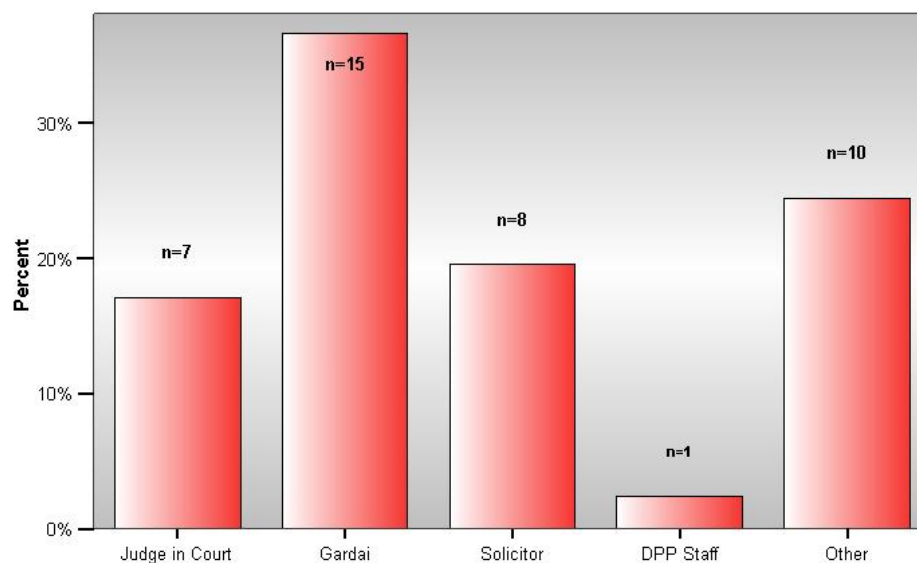
I wanted to make a victim impact statement, but they said no. It's up to the judge's discretion, is it? Any crime committed against you it is a serious crime, especially when your case is not explained.

(Ted)

When asked who had informed them about the opportunity to give a Victim Impact Statement, 36.6% (15) of relevant respondents stated they had heard about the process from the Gardaí; 19.5% (8) identified their solicitor as the source information and

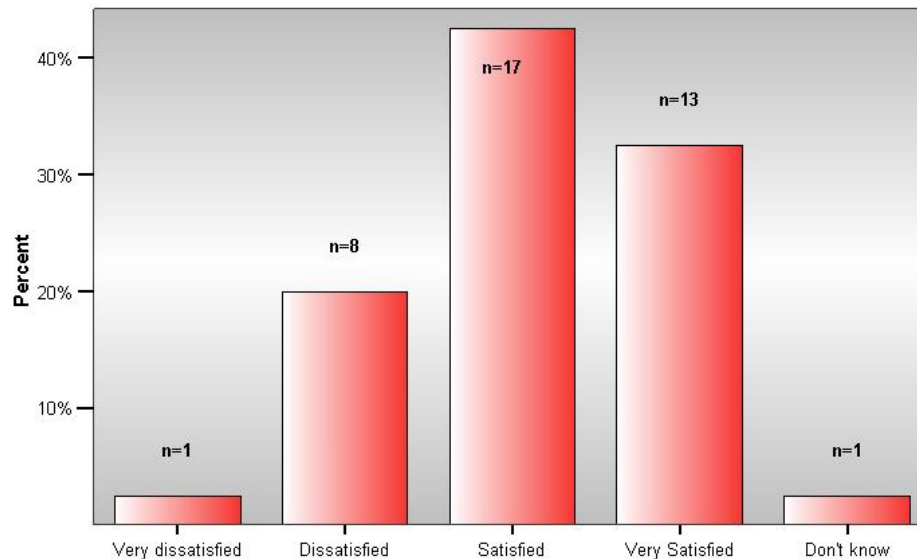
17.1% (7) named the trial judge. Only 2.4% (1) stated that they had heard about the process from DPP staff. Ten respondents listed other sources. These included a rape crisis centre, a social worker, support workers, and a therapist.

Fig 6.15: Who told respondents of the opportunity to give a Victim Impact Statement (Victim Postal Survey)



Of the 40 respondents who made a victim impact statement and rated their satisfaction with the process, 75% (30) expressed that they were satisfied or very satisfied, 22.5% (9) indicated that were dissatisfied or very dissatisfied, and 2.5% (1) indicated that he or she did not know.

**Fig 6.16: Satisfaction with the process of making a Victim Impact Statement
(Victim Postal Survey)**



The clear majority of relevant respondents were therefore satisfied with the victim impact statement process. A key theme brought out in interviews in relation to the victim impact statement was the sense of closure that the process could provide victims. Bernice expressed this view, in relation to both herself and her family, even though her statement was never read out, something she did not mind. The most important thing to her was that her ex-partner's older children had a chance to read out their statements.

[The] liaison guard and [support person]...had gone through all that stuff...I thought I was going to feel better...It was closure for me...It really was closure...[It] was never read out...Ex-partner's oldest son and his daughter wrote one....Son stayed for the whole trial...Only three words taken out...His Victim Impact Statement was read out...I didn't mind [that my statement was not read out]...Sure somebody read it...I had limited it to four pages...I had two smallies...I kept it about myself and my kids and the loss...[I was] aware that it was going to be in there for him (offender) to read...if he ever looks for probation.

(Bernice)

Valerie was very satisfied with the experience of giving her Victim Impact Statement.

Absolutely [positive], the only thing, the only reservation...I felt I had to start in the middle and I didn't get an opportunity to give all what we wanted to give...I didn't get to speak properly about daddy as such. It was more the impact of his death upon us, which we had done it out quite well...We brought down our rough version to our solicitors and basically they polished it up...We were satisfied with the content...The judge did read what I had wanted to...It gave me satisfaction that I knew exactly what was in that statement and I was able to look away from it...[The] barrister wanted me to be more at ease, but she needn't have worried I was well prepared and I was able to deliver it directly down to the defendant who never stood up...You need to hear this...We do welcome a guilty plea...but this is the effect of what you did....Yes, I was glad.

(Valerie)

Gerry, a victim of kidnapping, similarly felt very positive about being able to tell it as it was.

[The victim support organisation] informed [me about the victim impact statement]...Absolutely encouraged [me to make it]...She would have encouraged us saying that this is your chance that you have to really give your account as it has impacted on you...[It was] massively liberating for myself and [my wife]...Telling it as it is...telling the truth of the reality of what went on...It was probably the biggest part of the road to recovery...We had to stick to the script; we nearly had it off by heart.

(Gerry)

However, the interviewees highlighted some concerns about how the Victim Impact Statement process actually functions in the court. In Carol's case she met with the detective in Dublin and went through it as she did not want it to be sent back to her.

I started writing my statement the day I went to the guards...I had written 20-30 statements...[Their] advice [was] not to make it too long...restricted...five-ten minutes...how this affected you...which made it very difficult...[I] kept at it until I was happy with it...Then to be told you're not reading that...⁶⁸It was the only time I had a say in the court during the whole court process of four years.... [It was] extremely important...[I] felt like a number until that day I went on the stand...That was my chance and I still think that it was taken away from me...

(Carol)

[The] seating is not [appropriate]...[You are] looking at the side of the judge's face, he's [the offender] behind my shoulder....Plus I was sitting...I would have liked...little box with a mike...You could not stand...[I was] extremely shaky doing it; [I] would have felt more control standing....

(Carol)

⁶⁸ This issue is further elaborated upon later in the text.

Catherine and her family were also dissatisfied with how the Victim Impact Statement was handled in the court room. First, knowing that it was up to the judge's discretion to allow a statement or not, created unnecessary uncertainty.

The guards told us that...they have to see it all now, and they did say number one that we may not be able to read it at all and number two if we went outside the scope you would be stopped and you weren't allowed to say anything about the murderer...We felt encouraged to make it, but it was so iffy. You're putting a lot of effort drafting it, and sending it into the guards who give it to the DPP who decide whether it's all right or not...

(Catherine)

Even where victims were made aware of and given information about the Victim Impact Statement, difficulties arose for victims in relation to the fact that the opportunity to make a statement was at the discretion of the judge for homicide offences. The uncertain nature of the opportunity to give a statement was something Catherine objected to:

You don't know until you go in to court whether the judge is going to allow that [victim impact statement] or not and I do not think a victim impact statement is so unimportant that it should be depend on whether the judge had a good morning, or a good breakfast, or whether he's in a good or a bad mood. There should be a victim impact statement allowed for everybody or not allowed at all...I don't think it should be at his discretion.

(Catherine)

Similarly, in response to a question on how the system could be improved, a respondent noted:

Victim Impact should be automatic when a guilty verdict is given.

(Co-victim of murder/manslaughter)

Another aspect which victims found difficult was the manner of reception of Victim Impact Statements. A good victim is one that conforms to stereotypical assumptions about the norm. So in the case of Paul, where his daughter was the victim of a killing by her boyfriend, his statement was well received by the court. In the case of Catherine, however, where her brother a gay man who was killed by a stranger, the reception was less than respectful. Catherine and her family were dissatisfied with how the Victim Impact Statement was handled in the court room.

Our fellow stood up then and said: “one of my clients, the victim’s sister, wants to give a victim impact statement”...And he [judge] said: “All right.” He didn’t really care...and as she [sister] walked up I noticed one of the prison wardens throwing his eyes up to heaven as if to say: “I’m going to be here now for another five minutes”...He looked totally bored...and this was a very stressful thing for her...And where you sit,...you’re totally exposed sitting out there...[It is] certainly not what you see in the movies where everybody gets a proper box...And she had to pass by your man, he could have touched her....

(Catherine)

Catherine and her siblings felt clearly that nobody was interested in hearing their Victim Impact Statement. The disruption by a journalist in the middle of this, as noted above, was the ultimate insult to the siblings whose brother had been portrayed as a sex pervert in the media.

It would appear that victims and their relatives are treated differently based on society’s perceptions of “good” and “bad” victims. Thus, a homosexual man who is murdered would perhaps not evoke the same empathy among the public as a raped and murdered young girl. In sharp contrast to Catherine’s case above, there was a total silence in the court when Paul and his ex-wife delivered their Victim Impact Statements at the trial of the murder of their 19-year-old daughter.

The statement that [ex-wife] and I made...You could hear a pin drop...[It is] daunting to put her life into a couple of minutes...We had to make it...What I thought was highly indignant was that the guy got to see it beforehand...If there was anything offensive we had to change it...If there’s anything that he doesn’t like we had to change it. It’s bad enough that he killed her...but to have a look before hand to see what we were going to say about our daughter...There was nothing there, wrote it in such a way, the affect having the guards coming to our house telling us...The two statements were pretty powerful...I think he flinched a fair bit then...It was absolutely crazy stuff...It was horrendous...If I had a gun I would have shot him...I would have gladly gone to prison for the rest of my life...It was sick, it was bad enough what he had done but it was the condition he left her in...The most beautiful girl...He was an absolute animal...Life should be life...

(Paul)

Regardless of the restrictions, Paul experienced the Victim Impact Statement as something positive as he had a chance to tell everybody about his daughter. The restrictions in relation to language and content which govern the giving of Victim Impact Statements were experienced by some victims as a limitation on their ability to literally ‘give voice’ to their experiences and emotions. Carol felt like a number without a voice throughout the court proceedings. Furthermore, the one chance she

had to voice her experience, through the Victim Impact Statement, was also affected negatively by the circumstances dictated by the lawyers.⁶⁹ Carol had prepared to read out her Victim Impact Statement for many months before the day arrived. She wanted to address her abuser while reading it and she would have preferred to have done it standing up. Furthermore, she had sent it off for approval six weeks prior to the trial but was told to make changes to it only one hour before she was due to read her statement.

I wanted to read out my victim statement... [I] had practised...memorised it...extremely difficult to do...An hour before I was told couldn't read out the statement...[I] wrote statement in way I was comfortable with, my words, YOU did this to me when I was small...You had to say HE...It completely threw me... [The] DPP told me this one hour before hand...I could have cried...I was just really, really angry the fact that they had it six weeks before...[They] printed and handed [it] to me...[I] just felt it wasn't mine...[I]said to [the] barrister: 'I had memorised this...didn't want to read it from the page'...This was my chance...[I was] terrified that I'd slip up on the stand.... [It was] not mine...taking the whole thing away from me...after four years' process....the only bit I had to say....

(Carol)

Valerie and her sisters had kept asking various people in the criminal justice system if they would be given the opportunity to give a Victim Impact Statement in their case. Nobody, however, had suggested it to them and it was with very short notice, the day before the sentencing hearing, that they were told that they could prepare one.

We had no victim impact statement prepared. We didn't know we had to do this...I had been asking all along...but nobody had suggested or outlined what we could put in it [in] regards to the content...What was said on that day was that we would wait until the following day; we'd get our victim impact ready...But in the meantime the guard had come down to me and said: "Valerie, you're a good orator, maybe if you could get up there and speak about the impact this has had on you?" And I said, "No...I can't...you get one shot at this and I want it right." So we went back to the hotel with the solicitor and prepared our statement which I gave them the following morning.

(Valerie)

⁶⁹ The prosecution, which is usually responsible for tendering the victim impact statement before the court, must ensure that the statement is limited to the impact of the offence on the victim. The accused's lawyers should also have the opportunity to view the contents of the statement in advance of the reading or making of the statement in court. See O'Malley (2006: 235-236). In the *Guideline for Prosecutors* issued by the DPP, the prosecutor commits at sentencing stage to ensure 'that the court has before it all available relevant evidence and submissions concerning the impact of the offence on its victims, in accordance with the provisions of section 5 of the Criminal Justice Act 1993' (2006: para 8.14).

It is clear from the study that victims feel better supported if they have the opportunity to voice the impact the crime has had on them, no matter what type of crime they experienced. The victims who made a Victim Impact Statement all confirmed that talking about how the crime had affected their lives helped the healing process to a certain degree. The discretionary nature of the Victim Impact Statement for homicide offences troubled a number of participants in the research leading some to argue that it should be available more as a matter of right. Attention also needs to be given to the question of what may be contained within the Victim Impact Statement. Victims require clear and standardised guidance on what can be contained within the statement, and this should be made available to them before they commence the writing-up process.⁷⁰

6.9 Compensation

Compensation for victims of crime has been established as a key right in a number of jurisdictions. The European Union Council Directive on *Compensation to Crime Victims* (2004) founded a cooperation system between all Member States that is designed to ensure that victims of serious crime have access to compensation schemes where an offence is committed in a Member State other than that which is the victim's State of residence. The Directive requires that all Member States have a national scheme guaranteeing 'fair and appropriate compensation to victims of crime'.

There are two main ways in which victims can gain compensation in Ireland—the first is through a non-statutory scheme administered by the Criminal Injuries Compensation Tribunal, whilst the second is a statutory scheme operating under section 6 of the Criminal Justice Act 1993.

The Criminal Injuries Compensation Tribunal is funded by the Department of Justice Equality and Law Reform and was established in 1974. A victim or an immediate family member of a deceased victim can apply to the Tribunal for compensation for expenses and losses suffered as a result of violent crime (or whilst assisting or trying to prevent crime). Compensation is not available to victims who have suffered harm other than person physical injury. Nor is compensation available if the victim has

⁷⁰ Hanly et al (2009: 337) make a similar recommendation in their study.

been living with the offender at the time of the injury, which removes victims of domestic violence from the scheme. The scheme only covers out of pocket expenses and bills.

Section 6 of the Criminal Justice Act 1993 provides that where a defendant is convicted of an offence the court may make an order requiring him or her to pay compensation in relation to personal injury or loss suffered by the victim as a result of the offence. The decision as to whether a compensation order should be made is at the discretion of the court. The process is one part of the overall sentencing process and a compensation order can be made either in substitution or in addition to another sentencing option. Section 6(2) makes it clear that the judge will make an order in relation to what she/he thinks is appropriate in the case. However, that amount should not exceed the amount of damages that the court thinks 'the injured party would be entitled to recover in a civil action against the convicted person in respect of the injury or loss concerned'.

The victim postal survey explored respondents' experiences of gaining financial compensation for injury caused by crime. The results show that the vast majority of participants had no experience of the Criminal Injuries Compensation Tribunal. When asked about their experiences of the Criminal Injuries Compensation Tribunal and compensation for personal injuries with short term effects, 97.4% (295) responded that the question was not relevant to them. Similarly, when asked about their experiences of the Criminal Injuries Compensation Tribunal and compensation for personal injuries with long term effects, 98% (297) of respondents indicated that the question was not relevant. Finally, when asked about their experiences of the Criminal Injuries Compensation Tribunal and compensation as a dependant in a fatal case, 98.7% (299) of respondents indicated that the question was not relevant.

The survey also asked about participants' views on receiving compensation from offenders as result of a section 6 compensation order. 95.4% (288) responded that the question was not relevant to them.

Overall the findings show that the vast majority of respondents to the survey had little experience in receiving compensation either through the Criminal Injuries

Compensation Tribunal or under a Section 6 compensation order. When interviewees expressed an opinion about the process of compensating victims they were often critical, at least in relation to the overall place of victims within the criminal justice system which resulted in a sense of being sidelined to the interests of the offender.

Mary, whose mother was murdered by a woman who later pleaded not guilty by reason of insanity, had this to say:

What annoyed me was she went in to Mental hospital...and the facilities that they have in there...What would have happened if I couldn't afford to pay for counselling? Where would I have gone?...I think we got, between father, myself and my brother, I think it was something about £7000 between the three of us...That's what my mother's life was worth...I paid for my mother's funeral. We weren't a wealthy family; my father was just a labourer...He was an old man...So what happens when you couldn't afford it? My husband was working...

(Mary)

Paul felt that the Criminal Injuries Compensation Tribunal did what they could in order to compensate for expenses incurred but that it is impossible to compensate for the loss of an only child who is murdered.

There is a board...Any expenses that were occurred over the time; you can send it off to them and they do an evaluation and they settle for x amount then...The guy there was actually a very, very nice man. But it was a bit more difficult because [ex-wife] and myself are separated...They were very good and very helpful...but you can't put a figure on someone's life at the end of the day...It just helped to pay a few bills...[The] first couple of months you're away in numb land...You don't know whether you're coming or going...They were very good up there, very efficient.

(Paul)

Bernice similarly stated that the loss of her children's father cannot be compensated for by money:

[How can you] put [a] price on emotional loss...[I'm] so devastated...[I've been] out of work for such along time...Such a wreck...[I] have them 24/7 and their dad is not here helping out...Even though he was in a treatment centre he was a very good dad...He would help out.

(Bernice)

The role which financial compensation could play in aiding victims and their families in securing counselling is a theme which reoccurs throughout the survey and interview data. Paul argues strongly that the offender should pay something back to society rather than benefiting from services:

They have rights over you...[It is] a complete shambles...They shouldn't have rights...They should pay to get back to society...They should pay for victim support groups.... [The] offender should be paying compensation...not us looking for funding for groups like AdVIC...I feel again, a constant reminder to them what they've done...Our way of saying to them – you pay for what you've done!...He can get a free education, free gym, free counselling.... Where do I sign up, it sounds like a hotel? No one ever comes up to my door and says are you ok?

(Paul)

Catherine, whose brother was murdered, compares the subsidised counselling that AdVIC provides to relatives of murder victims with what it costs to keep an offender in jail:

AdVIC [charges] only €25 an hour...What does it cost to keep a murderer in prison?...Surely the victim, or the family, if they're poor, should get counselling...Someone told [my brother] you get [€]25,000 if your family member is murdered...[I] feel so bitter towards the state...Even if we give it to charity...

(Catherine)

An ability to sue the offender was also raised by Gerry, a victim of kidnapping, who had very strong comments to make regarding the feasibility for victims to claim compensation or sue the convicted criminals.

The amount of money being spent on those criminals...No financial compensation, it's an absolute ass. We should have been compensated...No one has said you could...One of the first questions I asked and I was told not really...I had a heart attack myself 18 months later...We should have been compensated massively but we weren't and I think that's wrong...We should be able to take those guys to court and sue them.

(Gerry)

Gerry suggests that there should be less funding of offenders and those accused of crime and more funding for victims that are affected:

[There] should be responsibility if you commit a crime. They should be sued as well...Criminals don't worry themselves with these things...but people who aren't victims and who are living their lives nice and cosy and nothing goes wrong in their lives, it's very hard for them to think of the actual victim...That's an insight I have and it's frightening...Your world has completely changed and we were never compensated for that.

(Gerry)

Many other victims in this study advocated for free counselling for victims. John, for example, who was a victim of sexual assault, was upset by the lack of compassion shown to victims of crime:

If there's free legal aid given to criminals, to be quite honest, as a victim of crime I get really annoyed by the level of concern shown for the criminal and the lack of concern for the victim...I have this sentence for the rest of my life...I very much do believe that victims should have free counselling...

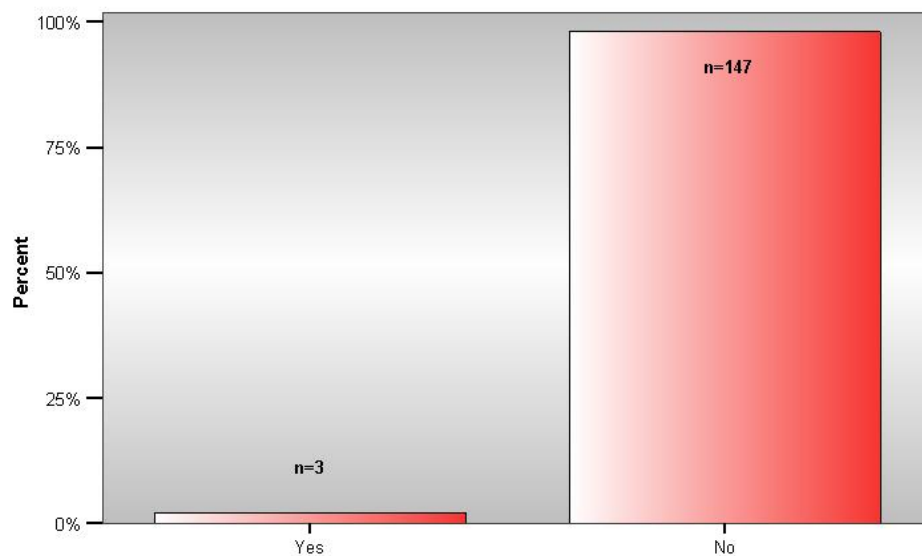
(John)

6.10 Financial reimbursement of expenses

There is also the separate but equally important issue of how well the victim is compensated in the sense of being reimbursed for the cost (literally) of involvement as a witness in the criminal process itself or simply for attendance at court. Whereas the role of the first form of compensation—from the accused or the Criminal Injuries Compensation Tribunal—is somehow to attempt to restore the victim to where s/he was before the incident, the role of expenses is to ensure that the victim does not pay twice through involvement in the criminal justice system. The ICCL Report on crime victims recommended that in line with the European Framework Decision, victims who act as witnesses for the prosecution case should be able to seek reimbursement of expenses. Furthermore, if a victim or his/her family decide to bring civil proceedings, their legal expenses should be met (ICCL 2008: 53).

The victim postal survey asked a number of questions relating to information provision, access and assistance in relation to the system of witness expenses. Participants were asked if they had been advised on any procedure for claiming witness expenses if they were summoned as a witness in a case. Responses revealed that there was a significant deficiency in the provision of guidance in this area. Only 2% of those responding reported that they had been given any advice. This is surprising given that the Victims Charter commits the Gardaí to informing victims of their 'entitlement to court expenses'. The fact that only 3 out of the 150 respondents who were summoned as witnesses in a case were offered any advice would strongly suggest that the Charter is not being upheld in this regard.

Fig 6.17: Were you offered any advice on claiming witness expenses?



Overall the answers to the questions regarding access to witness' expenses clearly show the importance of information and assistance. The level of those claiming expenses is very low⁷¹ and the fact that few participants reported receiving key information and assistance in relation to such claims indicates a lack of systematic information provision.⁷²

6.11 Information provision related to post-release of offender

Another information need identified by respondents to this research was in relation to information about offenders after their release. Some interviewees expressed an appreciation of the services of the prison victim liaison officer in this regard and highlighted the fact that they were informed about offenders in relation to release dates and paroles. Paul, for example, highlighted the need to inform victims that they had the right to withhold their queries for information from the prisoners themselves.

⁷¹ Three people reported claiming expenses.

⁷² In the DPP's information booklet, *Attending Court as a Witness*, it is noted (2006: 18): 'The Garda Síochána is responsible for paying witness expenses. This is the cost to you of coming to court to give evidence. These expenses may include the cost of taking time off work, travelling expenses, meals, and if you live in another part of the country, accommodation'.

[Another person] who I found extremely good was the Irish prison services...liaison person...[They give] you an update [on] what's happening to the guy inside there...[The] victim has to write to ask for that, like when he's up for parole...You have to ask for that...Not many people know about writing to the prison services...[The] prison services should inform you...and write at the end "I do not want the prisoner to see"...⁷³

(Paul)

This observation provides further evidence of the fragmented nature of information provision in relation to victims. Throughout this research a central theme has emerged regarding the lack of information available to victims regarding the workings of the criminal justice system and the rights of victims within that system.

The woman who murdered Mary's mother was sent to a mental hospital. The lack of communication between the hospital and Mary and her family has had devastating consequences for Mary.⁷⁴

That day that I saw her in the restaurant...I was out doing my Christmas shopping and should have been told about things like that, that she was going out shopping that day...I got a phone call from the social worker: "What were you doing in Mental hospital?"...I'm looking out the [car] window at someone that has murdered my mother, not only murdered her, butchered her to bits, and she's out swinging her Christmas shopping and I'm thinking that she's in the hospital...I thought – [I] can't believe this is happening...There she was going in to the pub...I ran after her and I wasn't very pleasant...

(Mary)

Then I got a phone call from social worker.... I had to say to her "How dare you ask me what I was doing there." I said: "I can go where I like, what was she doing in the shopping centre?"...I should have been told, more or less, just be aware...that shouldn't happen...There should be someone...[They] just [need to] make a phone call, [to] make you aware that she is out today and it's my fault then if I bump into her...

(Mary)

Mary spent 13 years trying to protect her father from knowing what exactly had happened to his wife. There were also occasions when she feared that the assailant would meet her father.

I used to hide the papers for my father...Then her father died...We did get a phone call to say she was going to the funeral...I think she was handcuffed....

⁷³ Current practice in the Irish Prison Service is to provide, on written request from a victim, information on the release of the relevant offender, and information on the prison regime generally.

⁷⁴ The Victims Charter does not make provision for notification — even where a request is made by a victim — in respect of releases from psychiatric institutions.

I was so frightened that she'd go up to him [Mary's father] and tell him she was so sorry...All the time [I had] this fear...I was in such a state, I had to go to bed.

(Mary)

Mary's situation is further complicated by the fact that the assailant came from the neighbourhood and her whereabouts are well known. Thus, Mary heard that she had been moved to a centre nearby and that she has been seen at various locations.

I have been on to the Mental hospital and asked them to investigate it...She's been seen in the street drinking beer, this is in the area where I am...I've asked them to let me know, and I never heard anything back...So you can imagine my thoughts on the medical team that is looking after her...and she's asking people have they seen me, that's frightening stuff...I have a letter asking can she be removed...They didn't get back to me...[There is] total disrespect for me and my family...We haven't done anything wrong.

(Mary)

Tell people that if they have someone in [mental hospital] who has murdered someone that they're having a day out, that they're out doing their Christmas shopping...I'd say she was only six years in [mental hospital]...I heard she went away to Turkey...What would have happened if one of my daughters had been on the plane?...That type of stuff frightens the living daylights out of me...I just felt that I should have been told...I could have been on that plane...sitting a few seats away from me...That's horrible stuff.

(Mary)

6.12 Conclusion

The findings outlined in this chapter regarding victims' experiences of court facilities and procedures highlight a number of areas where victim needs are not being met. Poor information and communication flow between the Gardaí, DPP, courts personnel and victims in relation to a range of issues including the timing of hearings, adjournments, delay, prosecutorial decision making, and release dates contributes to negative experiences for victims. Victims in this research reported that delay and adjournments had a significant impact on their negative experience of the court process. It is important that such delays and adjournments be minimised as far as possible.⁷⁵ Furthermore, a significant minority of respondents in this study expressed dissatisfaction with the office of the DPP. The reasons for this dissatisfaction included the downgrading of charges, the absence of a prosecutor at the sentencing hearing, the

⁷⁵ See also National Crime Council (2006).

failure to give reasons for a decision not to prosecute,⁷⁶ and poor standards of communication with victims.

Many participants in the research identified the problems caused by the physical environment of court rooms and the organisation of court hearings. Victims referred to difficulties such as overcrowded courtrooms, an inability to hear the proceedings, a lack of seating, the lack of access to separate waiting areas, intimidation and long periods of time waiting around the courtroom for cases to be heard. Many victims in the study also expressed dissatisfaction with their experience of being called as a witness in court. One reason for this dissatisfaction was negative communications from court personnel. It is clear that summarising the issues at the outset of the case (barrister in Paul's case) or censuring the defendant (judge in Valerie's case) can be enormously significant, and indeed beneficial to the victim irrespective of the (legal) outcome of the case. Equally the use of inappropriate references at times by judges and other legal professionals ('old lady' in Mary's case, and 'child' in Kylie's case) can perhaps quite unintentionally have an adverse effect on the victim's experience of the process. Other reasons for dissatisfaction included the intrusiveness of the media, the perception of bias and the fear of having to give testimony. It is important that those operating the legal system provide an unbiased service to all victims regardless of life style or the context of a crime. The media also bear responsibility here as they utilise so many court proceedings for their own benefit as the basis for news. There is therefore an onus on the media to play a responsible role in reportage and while present in court. It is also clear that where victims used either a support organisation or a legal advisor to provide support in relation to the court process, their experiences were largely positive.

Participants in the research also voiced concern about their misunderstandings and confusion about the legal system. Victims clearly have a need for detailed information about the court process.⁷⁷ This would enable understanding in advance, of issues such as the book of evidence/admissibility of photos etc. It should also heighten awareness

⁷⁶ The DPP's 'Reasons Project', which on a pilot basis provides reasons for decisions not to prosecute to the families of victims of crime involving a death, should yield useful information as to how this might be made standard practice and rolled out to other victims.

⁷⁷ Existing literature includes the Court Service's booklet, entitled *Going to Court: a DVD and booklet for young witnesses* and the DPP's booklet entitled, *Attending Court as a Witness*. These information booklets do not, however, appear to be systematically targeted at witnesses.

of the broader context in which a legal decision is made. This would facilitate an understanding of the distinction between criminal and civil cases and avoid the confusion that seems to emerge from the survey in a clouding of domestic violence/custody issues.

Many respondents were dissatisfied with their inability to make a victim impact statement in their cases. Of the respondents who did make a statement, the clear majority were satisfied with the process, particularly with the sense of closure, healing and support which it provided them with. Some dissatisfaction was expressed with the fact that the opportunity to make a statement was left to the discretion of the trial judge in homicide cases (although this will change if, and when, the Criminal Procedure Bill is enacted). Victims also require clear and standardised guidance on what can be contained within the statement.

This study also shows that only 2% of respondents indicated that they were advised on any procedure for claiming witness expenses if they were summoned as a witness in a case. These responses reveal that there is a significant deficiency in the provision of guidance in this area which is surprising given that the Victims Charter commits the Gardaí to informing victims of their ‘entitlement to court expenses’. The importance of ensuring that the Gardaí systematically inform victims of their rights to the reimbursement of expenses cannot be underestimated. Overall the findings also show that the vast majority of respondents to the survey had little experience in receiving compensation either through the Criminal Injuries Compensation Tribunal or under a Section 6 compensation order.

A further issue which this research highlights is victim concerns in relation to the lack of information provided about offenders in the post-sentencing period. Victim apprehension about the reappearance of an offender back into the community necessitates that information is effectively developed and conveyed. In particular, information relating to parole, prison release dates, and any compassionate releases needs to be provided where the victim indicates a wish to receive this information. To this end, targeted information about the existing scheme under the Victims Charter should be undertaken.

Ultimately it would seem that clarity with regard to the aspirations and aims of the criminal justice system, as well as access to knowledge with regard to its detail and structure, lie at the heart of the of meeting victims' needs.

Chapter 7: Recommendations and Findings

7.0 Introduction

In this chapter the implications of the findings generated by the research are highlighted and are used to inform a range of recommendations as to how the needs of victims can be more systematically addressed. The chapter is laid out in a sequential order, mirroring the stages that victims would possibly encounter following the committal of a crime. The chapter commences with a review of findings on the issues that may potentially arise for a victim after a crime is committed but **before it is reported** to the Gardaí. Once a crime has been committed a victim must decide whether or not to report the crime. He or she may also decide at this juncture to access support services. Such a decision will in part be premised on his or her personal knowledge about the criminal justice system and the availability of support services to victims of crime. It may also be influenced by the knowledge of friends and family, and/or relevant professionals and community organisation staff.

If the victim decides to **report** the crime, then his or her first encounter with the criminal justice system will be with the Gardaí. The needs of the victim at the initial stages after reporting vary, but they will ordinarily relate to information on the name and details of the investigating Garda, the names of relevant support organisations (general and specific),⁷⁸ and the operation of the criminal justice system. The victim will also need to be treated with compassion and respect in his or her initial dealings with the Gardaí, particularly when giving a statement of the incident.

As the **investigation** progresses, the victim will require information from the Gardaí about the status of the on-going investigation. He or she will also require information from the prosecutor particularly on decisions about whether or not to prosecute or to charge a lesser offence. At this stage too, the victim may also feel the need for or have

⁷⁸ As noted, this need may also arise in the pre-reporting stage. Indeed some victims may choose not to report a crime but wish to access the services of a victim support organisation. For sequencing purposes, therefore, we have chosen to examine the issue of public and victim awareness about the Crime Victims Helpline and more specialist support organisations in the pre-reporting stage. The operation of the Crime Victims Helpline and the support organisations are dealt with under the reporting stage.

availed of the services provided by a victim support organisation such as those relating to information, counselling or emotional support.

If the crime against the victim continues to be processed through the system, then he or she is next likely to encounter the criminal (and possibly civil) **court system**. Potential issues that can arise here relate to delay and adjournments, the victim's treatment by the judiciary and legal personnel, media reportage, court facilities, and the layout of the courtroom. A victim may also have questions relating to compensation and reimbursement of costs. Information on the possibility of making a victim impact statement after the conviction of an offender may need to be given to relevant victims. At the **post trial stage**, the victim may encounter issues relating to compensation, the sentence imposed, appeals, and information on release dates.

7.1. Prior to Reporting a Crime

After a crime is committed, the victim must decide whether or not to report the incident. More than one in five respondents to the victim questionnaire indicated that they did not report the crime to the Gardaí. As has been discussed in chapter 3 decisions on whether or not to report a crime to law enforcement authorities are influenced by a variety of factors. Non-reporting of crime is significant, not least because victims who do not report crimes may miss a key opportunity to receive information about victim support organisations.⁷⁹ It is important therefore that members of the public and key professional and community stakeholders have a good awareness of the Crime Victims Helpline which is designed to act as a central information and referral portal for victims of crime. This research found that almost one-third of street survey respondents indicated that they had not heard of the Crime Victims Helpline and that less than 10% of respondents in the community awareness survey could name the helpline unprompted, and only two-thirds recognised the organisation when prompted. Furthermore, victims who accessed the Crime Victims Helpline reported that they found out about it via a variety of routes, but mostly

⁷⁹ Though it appears from the findings of this study that the Gardaí are not systematically passing on information on support organisations to victims who report crime. Almost 60% of questionnaire respondents who reported a crime indicated that they did not receive the number of the Crime Victims Helpline from the Gardaí.

through personal referrals from the Gardaí or family/friends.⁸⁰ Leaflets, advertisements and the internet did not score highly as sources where victims found information about the Crime Victims Helpline. This reinforces the view that there is insufficient public awareness of the Crime Victims Helpline. The fact that a number of the professional/community organisation respondents lamented the lack of a central referral organisation for victims again highlights a lack of awareness of the existence and role of the Crime Victims Helpline.⁸¹ This level of awareness of the Helpline amongst professionals and relevant community organisation staff cannot but reduce their ability to engage in the systematic referral of crime victims.

It would thus appear that both the general public and professional/community organisation staff have insufficient knowledge of the Crime Victims Helpline which, to some extent, limits its ability to act as a key focal point for the dissemination of information about support services available to victims of crime.⁸²

The findings from this research also illustrates that there are low levels of awareness of more specific victim support organisations. Key referral points for victims such as the Gardaí, relevant professionals and community organisation workers and the Crime Victims Helpline do not appear to be fully effective sources of information for victims. The Street Survey indicates that there were poor levels of awareness among the general public about the services available. The Community Awareness Survey reinforces this point with significant numbers of respondents being unaware of many of the main victims organisations and the majority identifying the need to improve awareness regarding support services.

Recommendations

7.1 The effectiveness of the Crime Victims Helpline as the key provider of information and support to victims of crime needs to be enhanced. It is vital that

⁸⁰ There is no information available from the questionnaire responses on how the family and friends of victims became aware of the Crime Victims Helpline.

⁸¹ The Commission for the Support of Victims of Crime has launched a new website which contains a county by county list of support organisations by crime type. These details are available at www.cvsc.ie. The launch of this website took place after the fieldwork was completed.

⁸² As we shall see, it is further limited by the failure of the Gardaí to systematically pass on the Crime Victims Helpline number to victims who report crime.

awareness of the Crime Victims Helpline is increased among members of the public and in particular among key professionals and staff of relevant community organisations. In addition to devising strategies for improving awareness among the members of the general public, we would recommend that the Crime Victims Helpline should engage in a systematic information-giving programme targeted at key professionals and community organisations who are likely to be in contact with victims. Such professionals and organisations need to be aware of the existence and functions of the Crime Victims Helpline and need to have promotional material such as an information card containing telephone and website information which can be supplied to victims.

7.2 It is also important to improve the awareness levels among the general public and relevant community stakeholders of the activities of victim support organisations in local areas and the services which they can provide to victims of crime. The website of the Commission for the Support of Victims for Crime (www.csvc.ie) has a role to play with its list of funded services by county and type of service.

7.2 Initial Contact with the Gardaí.

In the initial stages, particularly after a crime is reported, victims require information from the Gardaí about the investigation (such as the contact name and details of the investigating Garda, and an incident number), the names of relevant support organisations, information on what happens when a crime is reported, and on their role and their opportunities to participate in the criminal justice process. The findings from this study would suggest however that victims are not receiving enough basic information from the Gardaí immediately after reporting the crime. 1 in 5 respondents noted that they did not receive the contact details of the investigating Garda and more than 1 in 2 of the respondents who reported a crime indicated that they did not receive the Pulse Incident Number. This information deficit can result in secondary victimisation, intensifying the harms caused by the crime and aggravating the trauma experienced by the victim. Given that the Gardaí are often one of the initial contacts following a crime, it is vital that they provide victims with relevant information on the

investigation of the crime including the name and contact details of the investigating Garda and the Pulse Incident number. The findings from the research also suggest that the Gardaí do not systematically advise victims on the support services available to them at either national or local level. More than 1 in every 2 respondents who reported a crime did not receive a contact number for a support group from the Gardaí and 6 out of every 10 respondents who reported a crime did not receive the Crime Victims Helpline number from them. These findings are supported by the observation in an earlier study prepared for the Commission for the Support of Victims of Crime which noted that ‘the perception exists among victim support groups that victims are often not aware of local support services’ (Bacik et al, 2007: 6).

In respect of these particular findings, it should also be noted that the *Framework Decision on the Standing of Victims in Criminal Proceedings*, adopted by the Council in March 2001, expressly guarantees victims of crime in EU states the right of access to relevant information, in particular as *from their first contact with the law enforcement agencies*, to the information relevant to the protection of their interests like the type of organisations that they can turn to for support. In addition, the Committee of Ministers of the Council of Europe adopted Recommendation Rec (2006)8 on assistance to victims of crime on the 14th June, 2006. Its provisions, *inter alia*, relate to the provision of information to victims where it notes that states ‘should ensure that victims have access to information of relevance to their case and necessary for the protection of their interests and the exercise of their rights. This information should be provided as soon as the victim comes into contact with law enforcement or criminal justice agencies or with social or health care services. All victims should be informed of the services or organisations which can provide support and the type, and where relevant, the costs of the support’.

The findings from this research suggest a relatively high rate of victim satisfaction with the sensitivity of Gardaí with roughly 7 out of every 10 respondents indicating that they were either satisfied or very satisfied with Garda sensitivity during the statement-taking process. It is significant however that the victims interviewed in our study who expressed dissatisfaction in relation to Garda sensitivity were ones who had experienced domestic violence or sexual assault or were gay. It is therefore important that the Gardaí remain constantly vigilant about their potential to cause

secondary victimisation during the statement-taking process through invasive questioning, victim-blaming attitudes (especially in relation to hate crimes, sexual offences and domestic violence), and general insensitivity to the needs of victims. The particular need for such sensitivity in relation to victims of sexual crime was noted in a previous study undertaken for the Commission for the Support of Victims of Crime: ‘An Garda Síochána should receive improved training in taking statements from victims, particularly when sexual offences are reported to them’ (Bacik et al 2007: p. 7).

Recommendations

7.3 To ensure that victim needs regarding information are met, the Gardaí should follow existing commitments set out in the Victims Charter. In particular, they should provide victims with standard information about what happens when a crime is reported (including the name and contact details of the investigating Garda, and the Pulse Incident number), the investigation process, and the various agencies involved in providing support (including the Crime Victims Helpline and other relevant victim support organisations). The Pulse letter sent to victims could also be changed to make reference to the Commission for the Support of Victims of Crime website (www.csvc.ie) — which contains information on a variety of victim services available and the contact details of relevant support organisations — and to inform victims that the Victims Charter is available on the web, and that a written copy may be received on request to the Gardaí.

7.4 To ensure a high level of sensitivity and a high standard of communication in dealings with victims, members of the Gardaí should receive training which sensitizes them to the needs of victims. It should occur as part of the initial training of Gardaí and in subsequent in-service training. It is also recommended that the number of Gay Liaison Officers should be increased and that a quota of Gardaí in all divisions should receive specialist training in dealing with vulnerable victims such as those who have experienced sexual assault or domestic violence.

7.3. The Investigation of the Crime and Support for the Victim

Information and emotional support are key needs which victims experience during the investigation stage of a crime. This section considers the role which the Gardaí, the DPP and support organisations play in meeting these needs.

The Gardaí

Victims require information from the Gardaí about the status of an on-going investigation, in particular the scheduling and progress of proceedings. In this study, a significant minority of respondents (more than 4 out of every 10) who reported a crime expressed themselves as dissatisfied or very dissatisfied with the information provided during the investigation of the crime by the Gardaí.⁸³ In the qualitative sections of this study, the victims interviewed expressed particular concerns about their difficulties in getting in contact with investigating Garda officers, about the failure of the Gardaí to up-date them on the status of investigations, the failure of Gardaí to return their phone-calls, their frustration at having to repeatedly contact the Gardaí to get updates on the progress of their case, and their perception that they were viewed as a nuisance when they sought this information. The need to address the lack of information available from the Gardaí at the investigation stage was also identified by some respondents when asked in the postal questionnaire to identify how the criminal justice system could be improved.

For victims, the lack of information provided by the Gardaí in relation to the progress of a case was perceived as disrespectful and as a sign that they were not being taken seriously. This breakdown in the provision of information causes further and unnecessary suffering to victims of crime, and represents a form of secondary victimisation. In addition to investigating and prosecuting crime, the Gardaí must embrace the crucial role which they play in responding to victims' needs. These needs do not relate solely to crime detection and prosecution. They also include, *inter alia*, the need for compassion, dignity, and respect; for information about the justice system

⁸³ The satisfaction rating in this survey with Garda information on the status of an on-going investigation was higher than that recorded in the Garda public attitude surveys in 2007 and 2008.

and victims services; and for regular feedback on the progress of cases. Greater accommodation of victim needs may also enhance traditional Garda objectives relating to the investigation and prosecution of crime by promoting the willingness of victims to report crimes and to cooperate with crime investigations. In addition, it should be noted that Regulation 6.5 of Recommendation Rec (2006)8 on assistance to victims of crime provides that ‘States should ensure in an appropriate way that victims are kept informed and understand the outcome of their complaint [and] relevant stages in the progress of criminal proceedings’.⁸⁴

Of those victims assigned a Family Liaison Officer, the clear majority were either satisfied or very satisfied with the relevant emotional, psychological, informational and practical support provided.

Recommendations

7.5 As provided for in the Victims Charter, victims should be kept informed by the Gardaí about the progress of an investigation. At a policy level within the Garda organisation, more attention needs to be given to the *process of communication* (including the use of texts, emails, and letters, and protocols for returning phone calls) with victims and to the *information* which ought to be provided as a matter of practice. For victims, relevant information would relate to the arrest of a suspect, station bail, any decisions by the Gardaí not to prosecute a suspect, the initiation of criminal proceedings, any decision by the Gardaí to oppose bail in court, any court decision on bail where the Gardaí have opposed it, any court conditions that may attach to a suspect’s bail which relate to the victim, court dates, and the results of court appearances.

⁸⁴ Regard should also be had to the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* adopted by the General Assembly of the United Nations in 1985. The document is not legally binding but does set out minimum standards for the treatment of victims of crime. It has been described as providing “a benchmark for victim-friendly legislation and policies.” (Van Dijk 2005: 202). Article 6 establishes some key ways in which the judicial and administrative processes can respond to the needs of victims, in particular by the provision of information on “their role and the scope, timing and progress of the proceedings and of the disposition of their cases.”

7.6 This information should be provided within specified timescales and information should also be given to victims about available options to raise their concerns when they believe that they have not been provided with all relevant information by the Gardaí.

7.7 If the Gardaí determine that there will be no investigation into a crime, they should notify the victim of this fact as soon as possible.

The Director of Public Prosecutions

It is clear from this study that communication between the DPP's office and victims, particularly on decisions not to prosecute or to charge a lesser offence, needs to be improved. Overall most participants in the research concluded that contact with the office of the DPP was not relevant to them (i.e. the offence was not reported, the case did not go to trial, it was a minor offence tried in the District Court). Though the majority of relevant respondents to the questionnaire indicated that they were satisfied with the DPP's office, a significant minority expressed dissatisfaction for reasons such as the downgrading of charges, the absence of a prosecutor at the sentencing hearing, the failure to give reasons for a decision not to prosecute, and poor standards of communication with victims.

7.8 It is recommended that the DPP's 'Reasons Project', which is currently in pilot phase, and provides for the families of victims of crime involving a death, to be furnished with reasons for decisions not to prosecute, should be utilised to examine whether the giving of such reasons should or could be made standard practice for other victims.

Support Organisations

This research had clearly highlighted the very positive contribution which victim support organisations make in assisting victims of crime and meeting their needs. Respondents to the victim survey indicated that they were generally very happy with the services provided by their support organisations. Victims commented very positively on the positive attitude of support workers. In particular victims appreciated

the fact that crimes generally considered less serious were nevertheless taken seriously by support workers. Over three quarters of respondents reported good levels of satisfaction with the helplines provided by organisations.

It is also clear from the research that the Crime Victims Helpline is effective in meeting the needs of victims who contact it. They receive a sympathetic hearing and gain support and important information and referrals from helpline staff. However, this very positive role played currently by the Crime Victims Helpline needs to be reinforced by effective communication between itself and those organisations it refers clients onto.

The promptness of support organisations in providing an initial response to victims was rated very highly with over 90% of respondents rating response rates as satisfactory or very satisfactory. In total, three quarters of respondents reported that they accessed support services immediately (13.8%), within days (32.1%) or weeks (29.9%) of experiencing a crime. Nearly a third of participants contacted their support organisation only 1 or 2 times while over half contacted it 5 or more times. The most common services availed of by victims were information and counselling and emotional support.

In terms of the needs of victims of crime and their families, it would seem from the findings that clarification should be provided at the outset as to the distinction between the peer counselling and support on the one hand, and professional counselling on the other. The type of counselling on offer in many services (i.e. peer counselling and support) is not always sufficient and the victim may have a need for more specialised peer counselling or indeed for professional counselling.

The possibility of confusion not only for victims but for community stakeholders trying to assist victims was also highlighted. This can arise because of the multiplicity of organisations providing assistance to victims of crime, giving an impression of fragmented and sometimes overlapping service provision where victims and community stakeholders are uncertain about the identities and roles of the various support organisations. Such a finding reinforces the need for greater cooperation

between existing groups and a single, clearly established focal point of reference for all victims groups.

Respondents to the victim survey were also generally happy with the geographical proximity of support services, but it is important to note that the respondents were victims who accessed services. There may be victims who were unable to access services because of a lack of geographical proximity. However, they were not represented in the survey. One problem highlighted in this area is the fact that more specialised services may be less generally available geographically. Thus victims with particular needs or profiles may be forced to travel further afield in order to access these specialised organisations. It should also be pointed out that the geographic spread of offences in this survey does not reflect the geographical spread of offences more generally. This suggests that service organisations are not distributed proportionately having regard to the geographical distribution of crime. Dublin, in particular, appears to be underrepresented in relation to the prevalence of crime.

The preponderance of female respondents in our survey is very high (even allowing for the greater prevalence of female victims for some offences), indicating that men are not availing of the services offered by support organisations to the same extent as women. Some victims raised very specific concerns relating to the nature of their experiences including the failure of support organisations to cater for male victims' needs.

Some professionals/ community workers questioned whether less serious crimes are well serviced by the current system. The general service providers have perhaps been less successful than domestic violence or sexual assault organisations at raising their organisational profiles, thus leading to a perception that less serious offences are not well provided for.

Some professionals/community organisation workers also noted the importance of the need for specialised and effective services to be made available to women and children. This is particularly the case in relation to crimes such as domestic violence and sexual assault where victims are less likely to turn to the Gardaí for assistance.

Recommendations

7.9 Cooperation between the Crime Victim Helpline and the organisations it refers victims to should be strengthened through the development of a more formal cooperation and referral system, which should include specific agreements and protocols between organisations on issues such as the sharing of information, and how referrals are made and followed up.

7.10 On first contact by a victim support organisation with a victim of crime, there should be a clear communication of the name of the individual and the organisation which he or she represents. If contact is face to face, actual identification should be shown to the victim, preferably backed up with a leaflet or card which the victim can keep.

7.11 A review should be undertaken of more specialised services to assess the geographical coverage of these services.

7.12 Efforts to increase the spread of general services to victims of crime should continue.

7.13 Support organisations should provide clear and appropriate information to their clients relating to counselling services and emotional support services.

7.14. Efforts should be made to encourage male victims of crime to access the services of support organisations.

7.4 The Court Process and Compensation

It is clear from this study that the communication of information between the court system and victims regarding the timing of hearings, adjournments and decision making needs to be improved.

The research has also highlighted that victims need to be treated with dignity and respect by the legal system and the judiciary. It is clear that there is an important extra dimension to the purely legal role of the judiciary. Victims reported that practices such as the summarising of the issues at the outset of a case or the censuring of the defendant can be enormously significant and beneficial to the victim irrespective of the strictly legal outcome of the case. Equally the use of inappropriate references and language can unintentionally have an adverse effect on the victim's experience of the process.

This research indicates that the structure of courtrooms and the scheduling of their lists can impact on the experience of victims. Victims consistently reported that they found courtrooms to be intimidating and confusing environments. Factors such as the seemingly chaotic natures of call over of lists, frequent adjournments and poor audibility and seating arrangements in courtrooms contributed to the intimidation experienced by some victims. The lack of a separate waiting venue for victims also caused distress to some victims who participated in the study. In this regard, it should be noted that the *Framework Decision on the Standing of Victims in Criminal Proceedings* expressly notes that 'a suitable level of protection for crime victims and their families' should be provided by all EU member states'.

The findings also clearly point to the distress which insensitive and inaccurate media reportage can cause for victims and their families.

The research found a significantly low level of take up of reimbursement of expenses and compensation by victims. This is surprising given that the Victims Charter commits the Gardaí to informing victims of their 'entitlement to court expenses'. Moreover, the *Framework Decision on the Standing of Victims in Criminal Proceedings*, which outlines the minimum rights to be ensured for all victims in the EU, provides that victims have a right to have legal costs refunded when they are parties or witnesses in the criminal proceedings. In terms of the aims of the study and specifically the needs of victims of crime and their families, it would seem important to ensure that all expenses, incurred as a result of attendance at court as a witness, are easily claimed and rapidly reimbursed to victims. This should include reimbursement for cost of attendance to cover relatives who are not witnesses at least in the case of

homicide. It is important that the Gardaí systematically inform victims of their rights to the reimbursement of expenses.

Overall the findings also show that the vast majority of respondents to the survey had little experience in receiving compensation either through the Criminal Injuries Compensation Tribunal or under a section 6 compensation order as provided for under the Criminal Justice Act 1993. In this regard it should be noted that the European Commission issued a proposal for a Council Directive on Compensation to Crime Victims to reduce the disparities in the compensation schemes of various member States. The Council adopted this Directive on the 29th of April, 2004. It was designed to ensure that by the 1st of July 2005, each member state would have a national scheme in place, which guarantees fair and appropriate compensation to victims of crime. Secondly, the Directive ensures that compensation is *easily accessible* in practice regardless of where in the EU a person becomes the victim of a crime.

Recommendations

7.15 The structure of courtrooms and the processing of the lists of cases should be reviewed with regard to utilising space in the best way possible. In the case of *in camera* hearings which could potentially take place in smaller venues, consideration should be given to using smaller, less intimidating settings. This would also have the effect of freeing up larger venues and would ensure a more effective overall use of courtrooms and hence reduce delays. Better audibility and seating arrangements for all should be provided, and all courtrooms should in future be designed or upgraded with this in mind. The option of a separate waiting room for victims should be provided in all cases but its utilisation should remain a matter of their choice.

7.16 The support organisations should use the Court Service's bi-annual meetings of regional user panels to highlight concerns of victims and work towards practical ways of improving the situation. Good practice solutions arising from this process in one region should be copied in other regions.

7.17 Training for judiciary and legal professionals on sensitivity to communication and language issues in relation to victims should be provided.

7.18 It is recommended that the Press Council should develop a code of practice around court reportage with special reference to the concerns of victims, but covering the legitimate concerns of those accused of crime/offenders also.

7.19 Information on the systems available for the reimbursement of court expenses should be provided by the Gardaí on a systematic basis to victims of crime.

7.20 The reimbursement for cost of attendance at court should be extended to cover relatives who are not witnesses, at least in homicide cases.

7.21 Victim support organisations should provide information to victims of crime on the mechanisms available for claiming compensation under the Criminal Injuries Compensation scheme and through the imposition of a compensation order by the court.

7.5 Sentencing/post sentencing

The research revealed the positive experience that providing a Victim Impact Statement can be for victims. Victims feel better supported if they have the opportunity to voice the impact the crime has had on them. A key theme brought out in interviews in relation to the victim impact statement was the sense of closure that the process could provide for victims. However, the uncertain nature of the opportunity to give a statement for homicide offences troubled a number of participants in the research. Victims also require clear and standardised guidance on what can be contained within the statement, and this should be made available to them before they commence the writing-up process.

Victims raised a number of concerns in relation to the lack of information related to the treatment of offenders post-sentencing. In particular, information relating to parole, prison release dates, and any compassionate release needs to be provided to victims. Concern about the reappearance of an offender back into the community requires that information on post-sentencing is effectively developed and conveyed.

Victims expressed strong views about the way offenders were treated following their conviction often identifying them as being better treated than victims. These perceptions reinforce the idea that the purposes of the sentencing, prison and post-sentence system appear skewed in favour of the offender and against the interests of the victim.

Recommendations

7.22 Consideration should be given to abolishing the discretionary role judges have in relation to the giving of Victim Impact Statements in homicide cases. In this regard, the Criminal Procedure Bill 2009, which proposes *inter alia* to extend the entitlement to adduce victim impact evidence to family members of homicide victims, is to be welcomed.

7.23 Clear guidance should be given in good time to victims who are entitled to make Victim Impact Statements so that they know what may and may not be included in their statements.

7.24 Victims of serious crime should be informed of the possibility of ‘opting in’ to receive notification of periods of temporary release and the prisoner’s final discharge date from the Victim Liaison Officer in the Irish Prison Service.

7.6 General Recommendations

This research highlighted a range of issues which hinder the compilation of accurate information on the numbers and characteristics of victims who utilise the services of support organisations. Our engagement with the support organisations revealed a range of practices in relation to data collection and record keeping. While it is understandable that systematic data collection and record keeping would not be a

priority for organisations with limited resources and a primary focus on the provision of direct victim support, the absence of such data inhibits the compilation of a detailed overview of the extent and nature of the support services availed of by victims and of the characteristics of these victims. Compilation of such information on an annual basis would allow for more sensitive analysis of the scale and nature of service provision by organisations and of the characteristics and needs of victims. Longitudinal data of this nature could underpin and guide future service development and delivery.

7.25 To address this information deficit it is recommended that a standardized record-keeping template be developed by the Commission for the Support of Victims of Crime for use by all organisations who receive funding from the Commission.

One continuous thread emerging throughout the research is the need for the criminal justice system to prevent, as far as possible, the risk of repeat victimisation of victims. Victims concerns about intimidation and further harassment should be taken seriously at all stages of the process. Indeed the *Framework Decision on the Standing of Victims in Criminal Proceedings* requires, as a minimum standard, that a suitable level of protection is provided for crime victims and their families. Measures which may help to guard against such repeat victimisation include, among other things, efficient Garda responses to crime particularly in cases concerned with domestic violence; speedy arrests where appropriate; information on safe places to stay; communication of decisions on bail to victims; secure victim waiting areas in court; the removal of long delays in relation to the prosecution of crime (i.e. court adjournments etc); consideration of the ways in which intimidation in the courtroom can be minimised; the proper enforcement of safety and protection orders; and the provision of information on parole and release dates.

The lack of knowledge and understanding of the criminal justice system by victims was also highlighted in the findings of this study. This lack of understanding relates to issues such as the roles of the various agencies involved in the criminal justice system, the different types of courts, the different classifications of crime, the reporting process, legal representation, admissibility of evidence, charge and arrest,

bail, pleas, cross-examination, victim impact statements, sentencing, appeals, parole, compensation, and the differences between civil and criminal cases. Having limited knowledge about aspects of the legal process resulted in a range of difficulties for victims. Some reported that they made decisions about whether or not to proceed with cases without having a clear understanding of the implications of their decisions. For others their lack of knowledge resulted in confusion about what they expected of the justice system and disappointment with what it provided, particularly in relation to their roles and rights in the context of trials. Fundamentally victims' lack of knowledge constitutes a need in relation to accessing information about the criminal justice system and the agencies involved in it. This need has in fact been recognised by the Committee of Ministers of the Council of Europe. In Recommendation Rec (2006)8 on assistance to victims of crime, it is provided that 'States should ensure in an appropriate way that victims are kept informed and understand the outcome of their complaint, relevant stages in the progress of criminal proceedings, the verdict of the competent court and, where relevant, the sentence'.

7.26 To ensure that all victims have access to knowledge of the legal and criminal justice system it is recommended that a single website be organised in a manner which amalgamates in a single space the variety of handbooks and materials that have been produced by government bodies, criminal justice agencies and voluntary organisations. It should include literature such as the Court Service's booklet, entitled *Going to Court: a DVD and booklet for young witnesses*, the DPP's booklets entitled, *Attending Court as a Witness*, and *Brief Guide to the Criminal Justice System* (available on the website only), the 'criminal offences' 'criminal trial' and 'victims of crime' sections of the citizens information website, and an updated version of the Victims' Charter. Details of the website should be disseminated in a manner designed to reach as many victims of crime as possible. It should, for example, be made available to the DPP, the Gardaí, victim support organisations, relevant community organisations, libraries, GPs, hospitals, and citizens information services.

Appendix 1

SELF-COMPLETION QUESTIONNAIRE FOR CRIME STUDY

This questionnaire is confidential and will be used solely for the purpose of this research.

Part One: General Information

1. **Gender:** (Please circle) **Male** **Female**

2.

Age Range	18 - 29	30-39	40-49	50-59	60-69	70-79	80+
Please Tick							

3. **Nationality:** _____

4. **Location of crime:** (Please circle) **Rural** **Urban**

5. **Place of Residence (if living in Ireland): County:** _____

(Please circle) **Rural** **Urban**

6. **Occupation:** _____

7. **Type of Crime Experienced:** (Please tick)

Murder		Assaults: Domestic		Robbery	
Manslaughter		Violence		(Theft with force)	
Sexual Offences		Assaults: Others		Theft	
Arson		Criminal damage		Burglary	
Abduction		Fraud/Deception		Dangerous and Careless	
False Imprisonment		Other, please specify:		Driving	

8. **Did you report the crime to the Gardaí:** (Please circle)

Yes No

If Yes – please proceed to Part Two

If No – please proceed to Part Three, page 3

Part Two: An Garda Síochána

1. Who reported the crime? (Please circle)

You Friend/Relative Health Professional Social Worker

Other (please specify): _____

2. When was the crime reported? (Please circle)

Immediately Within the next days Within the next weeks

Other (please specify): _____

3. Which (if any) of the following details did you receive from the Garda:

(Please circle)

• **Name of investigating Garda?**

In writing Verbally Not at All Don't know/remember

• **Contact details for investigating Garda?**

In writing Verbally Not at All Don't know/remember

• **PULSE incident number?**

In writing Verbally Not at All Don't know/remember

• **Contact number for the Crime Victims Helpline?**

In writing Verbally Not at All Don't know/remember

• **Contact number for a group supporting victims?**

In writing Verbally Not at All Don't know/remember

4. Did they ask for your consent to refer your details to a group supporting victims? (Please circle) Yes No

5. How satisfied were you with the sensitivity of the Gardaí during the statement taking process? (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

6. How satisfied were you with the information provided to you by the Gardaí during the investigative process? (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

7. If you had a Family Liaison Officer assigned to you please indicate your satisfaction with her/his support: (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

8. Please rate your overall satisfaction with the Gardaí: (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

Part Three: Crime Victims Helpline

1. Did you contact the Crime Victims Helpline? (Please circle) Yes No

If No – please proceed to Part Four on the next page

2. How did you hear about the Crime Victims Helpline? (Please Circle)

Gardaí	Family/friends	Health staff	Social workers	Phone directory
Radio	Television	Posters/leaflets	Internet	

Other, please specify: _____

3. What services did you avail of from this Helpline?

(Please circle as many as are relevant)

General Information	Emotional Support
Information on other support organisations	Information on State Agencies, i.e. Courts/DPP etc

Other, please specify: _____

4. How satisfied were you with the response from the Helpline? (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

Part Four: Support Organisation

1. How did you hear about the support organisation you are currently receiving support from? (Please circle)

Gardaí	Crime Victims Helpline	Family/Friends	Health Staff	Social Workers
Phone directory	Radio	Television	Internet	Posters/leaflets

Other (please specify): _____

2. How soon after the crime did you contact this organisation? (Please circle)

Immediately Within the next days Within the next weeks

Other (please specify): _____

3. How often did you contact this organisation? (Please circle)

Once/Twice Three/Four times Five times or more

4. What services did you avail of from the organisation?

(Please tick as many as relevant)

Information		Advocacy	
Financial support		Court Accompaniment	
Counselling		Legal Support	
Accommodation		Emotional Support	
Child Care		Helpline	

Other, please specify: _____

5. Please rate your satisfaction with the following elements of the service provided by the organisation:

The speed of the organisation's response to your initial contact?

(Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

The adequacy of the organisation's helpline? (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Not relevant	

The closeness of the organisation to your home? (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

The ability of the organisation to meet your needs? (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

6. Did your case proceed further to the Court System? (Please circle)

Yes No

Other, please specify: _____

If Yes, please proceed to Part Five

If No, please proceed to Part Six on page 9

Part Five: Court Procedures

1. If you received information about court procedures from any of the following please indicate your satisfaction with the information: (Please circle)

Court Officials/Staff

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

Support Organisations

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

Gardaí

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

Solicitor

Very dissatisfied	Dissatisfied	Satisfied
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Very satisfied	Don't know	Not relevant
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Other (Please specify): _____

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

2. **If you had contact with the prosecutor/Director of Public Prosecutions before or during the Court case please indicate your satisfaction with this service:** (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not Relevant

3. **If you received support from any of the following in the court room please indicate your satisfaction with the service:** (Please circle)

Support Organisation Personnel

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

Solicitor/Legal Team Personnel

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

Other (Please specify): _____

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

4. **Were you offered an opportunity to give a Victim Impact Statement?**
(Please circle)

Yes No **(If no continue to question 8)**

5. Who told you about the opportunity to give a Victim Impact Statement?

(Please circle)

Judge in Court

Gardaí

Probation Officer

Solicitor DPP-staff

Other, please specify: _____

6. How satisfied were you with the level of information that was given to you before you made this statement? (Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

7. If you made a Victim Impact Statement please rate your satisfaction with the process: (Please circle and **proceed to question 9)**

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

8. How did you feel about not being offered the opportunity to make a Victim Impact Statement? (Please circle)

Dissatisfied	Satisfied	Don't know
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9. Did you have access to a separate waiting room for victims in the Court House before the trial? (Please circle)

Yes No

10. Please state which Court House you attended: _____

- 11. Please rate your satisfaction with the adequacy of the reserved seating or space provided for you and your family/friends in the court room:**

(Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not Relevant

- 12. If you were called as a witness in the case please rate your satisfaction with the experience? (Please circle)**

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

- 13. If you testified in court through a video-link please rate your satisfaction with this experience: (Please circle)**

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

- 14. How would you evaluate your court experience overall? (Please circle)**

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	

Part Six: Counselling – Compensation

- 1. Were you offered free counselling after the crime? (Please circle)**

Yes No

- 2. If you availed of free counselling – how many times did you access this service? (Please circle)**

Once/Twice Three/Four times Five times or more

3. If you availed of free counselling, how would you evaluate this service?

(Please circle)

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

4. Did you pay privately for counselling after the crime? (Please circle)

Yes No

5. Where summoned as a witness in the case, were you advised of any procedure for claiming witness expenses? (Please circle)

Yes No

6. If yes, did you claim expenses? (Please circle)

Yes No

7. Did someone assist you in claiming witness expenses? (Please circle)

Support Organisation Yes No Not relevant

Solicitor Yes No Not relevant

Gardaí Yes No Not relevant

Other, please specify: _____

8. If you were reimbursed for any expenses for attending court, how would you evaluate this payment? (Please circle)

Very dissatisfactory	Dissatisfactory	Satisfactory
Very satisfactory	Don't know	Not relevant

9. If you were compensated financially for any of the following through the Criminal Injuries Compensation Tribunal please rate your satisfaction with this compensation: (Please circle)

Personal Injuries with short-term effects

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

Personal Injuries with long-term effects

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

As a dependant in a fatal case

Very dissatisfied	Dissatisfied	Satisfied
Very satisfied	Don't know	Not relevant

10. If you were compensated financially by the offender as a result of a Court order, how would you evaluate this payment? (Please circle)

Very dissatisfactory	Dissatisfactory	Satisfactory
Very satisfactory	Don't know	Not relevant

Part Seven: Suggestions for service improvement

1. Based on your experiences of using victim support services please identify which aspects of the service were of most help to you:

2. Based on your experiences of dealing with the criminal justice system please comment on how you think it can be improved?

3. Do you think victims in Ireland receive adequate support? (Please circle)

Yes No Don't know

Please comment: _____

4. Do you think there are other specific legal rights that victims should have?
(Please circle)

Yes No Don't know

Please comment: _____

- 5. Would you be willing to participate in a face-to-face interview about your experiences as a crime victim within the next six months to further this research? (Please circle)**

Yes No

If yes, please write your contact details here:

- 6. Please add any other comments you have on the topic of victim support or about this questionnaire:**

Appendix 2

Schedule for In-depth Interviews with Victims

The Experience of the Support Group:

Nature and extent of contact with Support Groups

1. Where did you hear about the support group who sent you the questionnaire? How long after the crime did you contact this organisation? How did you contact this organisation? Did you contact them by phone or face-to-face? Was it easy or difficult to access the organisation? How many times did you contact them? Was it a once off contact or do you have ongoing support?
2. Were you aware of any other support groups/help lines for crime victims prior to contacting this particular organisation? If yes, which ones and how did you know about them? How easy or difficult was it for you to know which support group to contact? Did you contact any of those other organisations? If yes, why did you choose to be supported by this current organisation?
3. Have you contacted any other support groups after being supported by the organisation that sent you the questionnaire? If yes, how did you find out about that group and why did you decide to look for their support? How did you contact this other group?

Assessment of Service from Support Group

4. What were your expectations from the support group? Did they fulfil your expectations? Did this organisation meet your needs? What parts were most helpful to you and why? What could have been done in order to improve the support you received?

The Experience of Reporting the Crime

Mechanisms of Reporting the Crime

5. Tell me about your experience reporting the crime? Did you report it or did someone else? If you reported it how soon after the incident did you report it? How was it reported – by phone or face-to-face?
6. Did you wait at the crime scene for the Gardaí to call or did you call to the station? Who did you meet first in relation to the report? What was your experience of this person – was he/she helpful, respectful, courteous and professional? Who asked you to make a statement? If it was someone else other than the first person, how did you experience giving this statement – was the person helpful, respectful, courteous and professional? Was the process of

statement giving explained to you? Did you have anyone with you as a support? How long did it take?

Assessment of Reporting Experience

7. Was this the first time you reported a crime? What were your expectations of the Gardaí in relation to reporting a crime? Was the experience negative or positive? Could it have been improved? Were you given details in writing of investigating garda and a pulse number?
8. What information did the Gardaí give you regarding support groups for crime victims? Were your contact details given by Gardaí to any support organisation? If yes, were you asked for permission to do this? If you were not asked for permission, how did you feel about your details being passed on?
9. If your contact details were passed on to a group, did they contact you afterwards? Were you given contact details of/for support groups? If yes, which ones and did you contact them afterwards?
10. Were you satisfied with the information from the Gardaí regarding existing support groups?

The Experience of Ongoing Investigation/Court Proceedings

Assessment of Gardaí Communication

1. Tell me about the ongoing investigation of the crime? How often did the Gardaí report back to you? Were you able to contact the investigating Garda?
2. Was there a liaison officer assigned to your case? How often did this person talk to you? Were you able to contact that officer? How did this communication take place? Face-to-face or over the phone? How did you experience this communication? In what ways was it helpful/not helpful, courteous, respectful and professional?

Assessment of the Office of the Director of Public Prosecutions Process (where called as a prosecution witness in a case)

3. Did the DPP meet with you? How did you experience this process?

Assessment of the Court Process

4. Tell me about the court experience? How would you describe the court process?
5. Did you have any expectations regarding the court process? If yes, what were your expectations and how did they compare to what happened in reality?
6. How did you experience the waiting area? Was there a separate victim/witness waiting room? Did you use it? If no, why not? How did you find the seating in the court room? How could it have been improved?

Victim Impact Statement

7. Did you make a victim impact statement (VIS)? If no, why not?
8. If yes, who informed you about VIS?
9. What type of information did you get about the purpose of the victim impact statement and the process of making it? Did you feel encouraged or discouraged to make a victim impact statement? How did you feel about this?
10. What were the positive and/or the negative aspects of making a statement?

The Experience of Counselling/Compensation

Extent and Experience of Counselling

1. Did you receive counselling by trained professionals after the crime? If yes, who provided this? How many times did you avail of counselling?
2. Did you have to pay for the counselling yourself? If you were paying, did the financial cost impact on the number of sessions you chose to have? Would you have availed of it more if it had been offered for free?
3. If you did not avail of counselling, was the financial cost a factor in this decision? Were there any other reasons you did not avail of counselling?
4. How did you find the counselling – was it helpful to you? If yes, in what ways?

Extent and Satisfaction with Expenses and Compensation

1. Did you claim witness expenses? If yes, how did you find the process of claiming? Do you feel the expenses you received were adequate?
2. Did you receive any financial compensation? If yes, who compensated you? Were you satisfied with the compensation amount and the procedure involved in claiming it?

Suggestions for Service Improvement

1. What services have been most helpful to you as a victim of crime?
2. In what ways can services be improved to better help victims of crime?
3. In your opinion, how should the criminal justice system function in order to better support victims of crime?
4. Do you think victims should have specific legal rights?
5. Have you any other comments to add?

Appendix 3

Informed Consent Form for In-depth Interviews

Commission for the Support of Victims of Crime Research Project

This consent form is to check that you are happy with the information you have received about this interview, that you are aware of your rights as a participant and to confirm that you wish to take part in the interview.

1. Have you received enough information about the study to make a decision as to whether you want to take part?

Yes

No

2. Have you had sufficient opportunity to discuss further questions / concerns with a member of the research team?

Yes

No

3. Do you understand that you are free to refuse to answer any questions?

Yes

No

4. Do you understand that you can withdraw from the interview at any time without giving your reasons and that this will not affect you in any way?

Yes

No

5. Do you have any particular requirements in relation to the interview?

Yes

No

6. Do you understand that quotations from the recorded interview, can be used in the research report produced by the researchers and in any publications based on this report?

Yes

No

7. Do you agree to take part in the interview?

Yes

No

Signature: _____

Date: _____

Name in block letters please: _____

Appendix 4

Street Survey

Demographic Details

Male _____

Female _____

Age Range	18 - 29	30-39	40-49	50-59	60-69	70-79	80+

Urban

Rural

Q.1 Are you aware of any services which are available to support victims of crime?

Yes _____

No _____

Q.2 If Yes, what services are you aware of?

- | | | |
|---------------------------------------|---------|--------|
| • Advic | Yes____ | No____ |
| • Amen | Yes____ | No____ |
| • Court Support Services | Yes____ | No____ |
| • Federation for Victim Assistance | Yes____ | No____ |
| • Irish Tourist Assistance Services | Yes____ | No____ |
| • Missing in Ireland Support Services | Yes____ | No____ |
| • Muintir na Tire | Yes____ | No____ |
| • One in Four | Yes____ | No____ |
| • Rape Crisis Network | Yes____ | No____ |
| • Ruhama | Yes____ | No____ |
| • Support After Crime | Yes____ | No____ |
| • Support After Homicide | Yes____ | No____ |
| • Oasis House Women's Refuge | Yes____ | No____ |

Other-----

Q. 3 Have you ever heard of the National Crime Victims Helpline?

Yes _____

No _____

Q.4 Have you ever been a victim of crime?

Yes _____

No _____ (If no, go to question 7)

Q.5 If yes, would you mind telling me what type of crime?

Murder		Assaults: Domestic		Robbery	
Manslaughter		Violence		(Theft with force)	
Sexual Offences		Assaults: Others		Theft	
Arson		Criminal damage		Burglary	
Abduction		Fraud/Deception		Dangerous and Careless Driving	
False Imprisonment		Other, please specify:		Did not wish to specify	

Q.6 As a victim of crime, did you avail of any of the support services available?

Yes _____

No _____

If no why not?

Q.7 [For those who have not been a victim of crime] Would you consider using the support services available should you become a victim of crime?

Yes _____

No _____

If not, why not?

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