

## Criminal Justice Inspection Northern Ireland (CJINI)

<b>Basics</b>	<b>Web site</b>	<a href="http://www.cjini.org/">http://www.cjini.org/</a>
	<b>Geographical coverage</b>	Northern Ireland
<b>Constitutional Aspects</b>	<b>Legal Framework/Basis</b>	Justice (Northern Ireland) Act 2002 and s.45 of the Justice, The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 and Security (Northern Ireland) Act 2007.
	<b>Independence</b>	Specific mention of independence in Schedule 8 of Justice (Northern Ireland) Act 2002: Miscellaneous § 9 "The Chief Inspector is a corporation sole. § 10(1)The Chief Inspector is not to be regarded— (a)as the servant or agent of the Crown, or (b)as enjoying any status, immunity or privilege of the Crown." The Schedule also contains information about when he may be dismissed (by the Department of Justice: failure to exercise functions, criminal conviction etc.) CJI is not part of the Northern Ireland Office or of the Northern Ireland Civil Service. It is a non-departmental public body (NDPB) in the person of the Chief Inspector. Inspectors are to be staff of the CJI, not civil servants.
	<b>Financial Independence</b>	Justice (Northern Ireland) Act 2002 (c. 26) SCHEDULE 8 Financial provisions as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 §5 The Department of Justice may make grants to the Chief Inspector.
<b>Membership</b>	<b>Composition of body</b>	Body is composed of Chief Inspector, Deputy Chief Inspector and Chief Executive, seven Inspectors, and and a small Business Support Team,. The Chief Inspector is allowed to employ staff: See §3 (1) and (2) of Schedule 8 of the Justice (Northern Ireland) Act 2002 (c.26) as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010: "(1)The Chief Inspector may employ staff, but subject to the approval of the Department of Justice as to— (a)numbers, (b)salary, and (c)other terms of employment. (2)The Chief Inspector may make arrangements for securing the provision to him of such assistance by persons employed in— (a) the civil service of the United Kingdom, or (b) the civil service of Northern Ireland, as he considers appropriate for or in connection with the exercise of his functions. (2A) Employment as a member of staff of the Chief Inspector is among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of "Other Bodies" insert—"Employment by the Chief Inspector of Criminal Justice in Northern Ireland". (2B) The Chief Inspector must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (2A)."
	<b>Appointment</b>	According to § 45(2) Justice (Northern Ireland) Act 2002 (c.26) as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 the Department of Justice appoints the Chief Inspector of Criminal Justice for a maximum of 5 years.
	<b>Expertise</b>	Inspection staff have a wide background in criminal justice and

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		inspection encompassing experience in policing, probation, courts, consultancy and audit.
<b>Visiting Mandate</b>	<b>Places of deprivation of liberty to be visited</b>	<p>Legislation contains detailed provisions of the places to be visited. These include prisons and the Juvenile Justice Centre. CJI has also conducted their first inspections of police custody (published June 2009) and Prisoner Escorting and Court Custody (published October 2010) .</p> <p>Justice (Northern Ireland) Act 2002 (c. 26) Part 3 § 46 Functions of Chief Inspector as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010</p> <p>(1)The Chief Inspector must carry out inspections of the following organisations—</p> <p>(a)the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve, (b)Forensic Science Northern Ireland, (c)the State Pathologist’s Department, (d)the Public Prosecution Service for Northern Ireland,</p> <p>(e)the Probation Board for Northern Ireland, (f)the Northern Ireland Prison Service,</p> <p>(g)the Juvenile Justice Board, (h)any body or person (other than the Juvenile Justice Board) with whom the Department of Justice has made arrangements for the provision of juvenile justice centres or attendance centres, (i)Health and Social Services Boards and Health and Social Services trusts, and (j)the Compensation Agency.</p> <p>(2)But the Chief Inspector must not carry out inspections of an organisation if he is satisfied that the organisation is subject to adequate inspection by someone other than him.</p> <p>(3)An inspection of an organisation carried out by the Chief Inspector may cover any institution provided or managed by the organisation.</p> <p>(4)An inspection carried out by the Chief Inspector of an organisation providing juvenile justice centres or attendance centres (other than the Juvenile Justice Board) may cover only activities relating to the juvenile justice centres or attendance centres.</p> <p>(5)An inspection carried out by the Chief Inspector of a Health and Social Services Board or a Health and Social Services trust may cover only activities relating to the keeping of children in secure accommodation under custody care orders.</p> <p>(6)The Department of Justice may by order amend subsection (1) by—</p> <p>(a)adding any organisation having a role in the criminal justice system in Northern Ireland (apart from a court or tribunal), (b)omitting an organisation, or (c)altering the description of an organisation.</p> <p>(7)An order under subsection (6) may make appropriate consequential amendments in this section or in any other enactment or any instrument (whenever passed or made).</p> <p>Additions to the list of organisation to be inspected were later made by Order and as a result of s.45 of the Justice and Security (Northern Ireland) Act 2007.</p>
	<b>Frequency of visits</b>	No detailed information, however, CJI is required to compile an inspection programme detailing the work it intends to undertake during the course of each year. The inspection programme, which runs from the start of each financial year, ensures CJI fulfils its legal responsibilities, by carrying out inspections of the agencies that make up the criminal justice system on a regular basis, in proportion to their significance and role within the system. The frequency of inspection can vary from organisation to organisation and will depend on its

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	position/importance within the Criminal Justice System.
Types of visits	<p>Relevant inspections include assessments (assessing conditions of detention, interviewing detainees, etc. with aim of preventing torture) for example during prison inspections, police custody and court custody. Inspections take place on a regular basis and are both announced and unannounced, in accordance with the practice of HM Inspectorate of Prisons for England and Wales, who assist CJI on inspections of prisons. See also: Justice (Northern Ireland) Act 2002 (c. 26) as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 § 48 Powers of inspectors: "(1) A person involved in the carrying out of an inspection or review by the Chief Inspector may, on showing evidence of his authority (if required to do so), enter any premises at any reasonable hour for the purposes of the inspection or review." However, see § 8 of Schedule 8: Inspections of Police Service</p> <p>"8(1) Before an inspection of the Police Service of Northern Ireland or Police Service of Northern Ireland Reserve is carried out under section 46, the Chief Inspector must inform those of Her Majesty's Inspectors of Constabulary who have been appointed under section 41(1) of the Police (Northern Ireland) Act 1998 (c. 32) as inspectors of constabulary for Northern Ireland. (2) If those inspectors notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must delegate its carrying out to them under paragraph 7. (3) If those inspectors do not notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must, before the inspection or review is carried out, consult the Department of Justice with a view to obtaining his approval of the inspection which it is proposed to carry out." <b>See also</b> § 47 of Justice Act 2002: Further provisions about functions " (1) The Chief Inspector must from time to time, after consultation with the Department of Justice and the Attorney General for Northern Ireland, prepare a programme specifying the inspections which he proposes to carry out under section 46. (2) The Chief Inspector must send a copy of each programme prepared under subsection (1) to— (a) the Department of Justice, and (b) the Attorney General for Northern Ireland. (3) The Department of Justice may require the Chief Inspector to carry out an inspection of an organisation specified in section 46. (4) The Department of Justice may require the Chief Inspector to carry out a review of any matter relating to the criminal justice system in Northern Ireland (apart from a matter relating to a court or tribunal). (5) The Department of Justice may not require the Chief Inspector to carry out an inspection or review under subsection (3) or (4) relating (wholly or partly) to the Public Prosecution Service for Northern Ireland without the consent of the Attorney General for Northern Ireland. (6) The Chief Inspector may not—(a) carry out inspections or reviews of individual cases, or (b) carry out an inspection relating to activities of an organisation which do not concern the criminal justice system in Northern Ireland."</p> <p>Although by law, CJI is not allowed to investigate individual cases it can, when asked by the Minister for Criminal Justice or the Department of Justice for Northern Ireland, undertake specific pieces of work including investigations and reviews e.g. the inspection of the Northern Ireland Prison Service Mistaken Prisoner Releases in November 2010.</p>

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	Between one and two years after the inspection report has been published, CJI will return to the organisation/s involved and undertake an action plan review/inspection follow-up review.
<b>Private interviews</b>	During relevant inspections CJINI undertake interviews in private with persons deprived of their liberty e.g. whilst in prison or police cells.
<b>Access to information</b>	Justice (Northern Ireland) Act 2002: 48 Powers of inspectors (1) A person involved in the carrying out of an inspection or review by the Chief Inspector may, on showing evidence of his authority (if required to do so), enter any premises at any reasonable hour for the purposes of the inspection or review. (2) Such a person may, for the purposes of the inspection or review, require— (a) that documents be produced in a form in which they can be taken away or be made available for inspection and copying, (b) that an explanation be given of any document produced or made available, or (c) that other information be provided.
<b>Publication of findings after visits</b>	See §49(1) of Justice (Northern Ireland) Act 2002 as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010: The Chief Inspector must report to the Department of Justice on each inspection and review carried out by the Chief Inspector. Also under this legislation, inspection reports must be presented to the Northern Ireland Assembly prior to being published.
<b>Coordination of visits</b>	§ 46 (2) of the Justice (Northern Ireland) Act 2002 (c.26) as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 hints at the possibility of coordination of visits and states that: "[...] the Chief Inspector must not carry out inspections of an organisation if he is satisfied that the organisation is subject to adequate inspection by someone other than him." There are other provisions regarding the coordination of visits to police cells with the Inspectors of Constabulary for Northern Ireland: see § 8 of Schedule 8: Inspections of Police Service " as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 8(1) Before an inspection of the Police Service of Northern Ireland or Police Service of Northern Ireland Reserve is carried out under section 46, the Chief Inspector must inform those of Her Majesty's Inspectors of Constabulary who have been appointed under section 41(1) of the Police (Northern Ireland) Act 1998 (c. 32) as inspectors of constabulary for Northern Ireland. (2) If those inspectors notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must delegate its carrying out to them under paragraph 7. (3) If those inspectors do not notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must, before the inspection or review is carried out, consult the Secretary of State with a view to obtaining his approval of the inspection which it is proposed to carry out." In practice, the CJINI carries out visits together with other Inspectorates such as HMIP (e.g. inspections of Hydebank Wood Young Offender Centre and Ash House Hydebank Wood 2011, Maghaberry Prison unannounced full follow-up 2009) and HMIC (Policing with the Community 2009, Roads Policing 2008). The CJI also undertake inspections of police custody, prisons and the Juvenile

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		Justice Centre in conjunction with RQIA.
<b>Other Aspects of Mandate</b>	<b>Recommendations and suggestions for amendments to legislation</b>	CJI has made recommendations in inspection reports previously to amend legislation based upon findings from a specific inspection (see for example inspection reports on Policing with the Community, March 2009; The Management of Sex Offenders in Northern Ireland, March 2005; The Management of Sex Offenders Interim Report, December 2006). However as noted in the Operational Guidelines for Inspection ( <a href="http://www.cjini.org/CJINI/files/39/397aa47d-12d8-40e7-bfa1-e9f0269f9879.pdf">http://www.cjini.org/CJINI/files/39/397aa47d-12d8-40e7-bfa1-e9f0269f9879.pdf</a> ) "Moreover CJI is expected to inspect against the policies of the Government of the day, not to invent or advocate alternative policies, though it can comment (on the basis of evidence) on the effectiveness of Government policies".
	<b>Preventive activities</b>	Unannounced inspections are carried out of both prisons, Juvenile Justice Centre and of 'approved premises' (probation/bail hostels).
<b>Standards</b>	<b>Legal standards applied</b>	<p>These will vary depending on the specific inspection topic however all inspections are underpinned by human rights legislation.</p> <p>In general, there are Operational Guidelines for inspections (available at: <a href="http://www.cjini.org/TheInspections/Our-Approach/The-Inspection-Process.aspx">http://www.cjini.org/TheInspections/Our-Approach/The-Inspection-Process.aspx</a>)</p> <p>If organisations have their own self-assessment process in place that satisfies the inspection framework, there is no requirement that CJOs should adopt the Operational Guidelines for inspection.</p>

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<b>Reports</b>	<p><b>Annual reports</b></p> <p>The Inspectorate must produce an annual report to the Department of Justice who then must lay a copy before both Houses of Parliament. Interestingly, parts of the report can be excluded if they would be against the public interest or safety of any person. See Justice (Northern Ireland) Act 2002 (c. 26) SCHEDULE 8 Annual report</p> <p>4(1) "The Chief Inspector must, as soon as possible after the end of each financial year, prepare a report on how he has exercised his functions during the financial year.</p> <p>(1A) The Chief Inspector must send a copy of each annual report to the Department of Justice.</p> <p>1C) If it appears to the Secretary of State that a report in compliance with sub-paragraph (1) may contain protected information (per (1B). i.e. information the inclusion of which... would be against the public interest on the ground of national security) (or once completed may contain protected information), the Secretary of State may require the Chief Inspector to refer the report to the Secretary of State (or, if the report is not completed when the requirement is imposed, to refer the report once it is completed).</p> <p>(1D) If it appears to the Chief Inspector that a report ... may contain protected information and the Chief Inspector has not been required to refer the report to the Secretary of State under sub-paragraph (1C), the Chief Inspector must refer the report to the Secretary of State.</p> <p>(1E) The Secretary of State must, within the period of 30 days after the date of a referral under sub-paragraph (1C) or (1D), or within such longer period as may be agreed between the Secretary of State and the Department of Justice, notify the Chief Inspector whether, in the Secretary of State's opinion, the report contains any protected information.</p> <p>(1F) Where the Secretary of State has required that a report be referred to the Secretary of State under sub-paragraph (1C) or the Chief Inspector is required to refer a report to the Secretary of State under sub-paragraph (1D), the Chief Inspector must not disclose the report to anyone apart from the Secretary of State, except— (a)in accordance with sub-paragraph (1G), or (b)after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any protected information, or (c)after the period mentioned in sub-paragraph (1E) has expired without any notification being given by the Secretary of State.</p> <p>(1G) Where the Secretary of State informs the Chief Inspector under sub-paragraph (1E) that, in the Secretary of State's opinion, a report contains protected information— (a)the Secretary of State may direct the Chief Inspector to exclude from the report any information that, in the opinion of the Secretary of State, is protected information;</p> <p>(b)the Chief Inspector must exclude that information from the report;</p> <p>(c)the Secretary of State must inform the Department of Justice that the Secretary of State has given a direction under paragraph (a);</p> <p>(d)the Secretary of State must lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).</p> <p>(1H) When the Chief Inspector sends a report to the Department of Justice under sub-paragraph (1A) from which information has been excluded under sub-paragraph (1G), the Chief Inspector must at the same time send a copy of the report to the Secretary of State.</p> <p>(1I) Where a report is received by the Department of Justice under sub-paragraph (1A), it must—</p> <p>(a)lay a copy of it before the Northern Ireland Assembly, and (b)arrange for it to be published.</p> <p>(1J) But the Department of Justice may exclude a part of a report from the copy so laid or published if... the laying or publication... (a)would be against the public interest, or (b)might jeopardise the safety of any person.</p> <p>(1K) If the Department of Justice excludes a part of a report from laying or publication, it must lay or publish with the report a statement that it has been excluded.</p> <p>(1L) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(18) applies for the purposes of sub-paragraphs (1I) and (1K) in relation to the laying of a copy of a report or a statement as it applies in relation to the laying of a statutory document under an enactment."</p>
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Other		<p>The institutions subject to inspections by CJI are:</p> <ul style="list-style-type: none"><li>• The Police Service of Northern Ireland (PSNI);</li><li>• The Northern Ireland Social Security Agency;</li><li>• The Public Prosecution Service for Northern Ireland (PPS);</li><li>• The Compensation Agency;</li><li>• The Youth Justice Agency for Northern Ireland (YJA);</li><li>• Health and Social Services Boards and Trusts;</li><li>• The Northern Ireland Prison Service (NIPS);</li><li>• The Northern Ireland Child Support Agency;</li><li>• The Probation Board for Northern Ireland (PBNI);</li><li>• The Department of Enterprise, Trade and Investment (DETI);</li><li>• Forensic Science Northern Ireland (FSNI);</li><li>• The Department of the Environment (DoE);</li><li>• The Police Ombudsman's Office for Northern Ireland (OPONI);</li><li>• The Health and Safety Executive for Northern Ireland (HSENI);</li><li>• The State Pathologist's Department for Northern Ireland (SPD);</li><li>• The Royal Mail Group (RMG);</li><li>• The Northern Ireland Courts and Tribunals Service (NICTS);</li><li>• Belfast Harbour Commissioners;</li><li>• The Parole Commissioners (formerly the Life Sentence Review Commissioners);</li><li>• Larne Harbour Ltd;</li><li>• The Legal Services Commission (LSC);</li><li>• Belfast International Airport Ltd (BIA);</li><li>• The Northern Ireland Tourist Board (NITB).</li><li>• Community Restorative Justice schemes;</li><li>• Probation and bail hostels (Approved Premises).</li></ul>
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