

**Section 75 and Schedule 9  
The Northern Ireland Act 1998**

**EXECUTIVE SUMMARY**

**SPEEDY  
JUSTICE**



**Equality Impact Assessment  
Police Service of Northern Ireland  
2012**

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## INTRODUCTION

This Executive Summary has been made available as part of the formal consultation stage of the EQIA relating to the introduction of Speedy Justice by PSNI. We would welcome any comments that you may have in terms of this EQIA, including our preliminary recommendations with regard to measures to mitigate adverse impact. Further copies of this EQIA report are available on PSNI's website at [www.psni.police.uk](http://www.psni.police.uk) (pathway: 'Updates' / 'Consultation Zone')

If you have any queries about this document, and its availability in alternative formats (including Braille, disk, large print and audio cassette, and in minority languages to meet the needs of those whose first language is not English) then please contact:

Chief Inspector Michael Kirby  
Police Service of Northern Ireland  
Service Improvement department  
Knock House, 29 Knocknagoney Road, BT4 2PP

Telephone: 02890 922373

Fax: 02890 922340

Email: michael.kirby@psni.pnn.police.uk

Deadline for comments will be: **1<sup>st</sup> March 2013**

Following the consultation period, the Final Report will be made available.

## SPEEDY JUSTICE

In May 2006, the Criminal Justice Inspectorate NI carried out an extensive review of the Northern Ireland Justice system, with a particular focus on the often considerable time that was taken to process cases through the formal justice system. In recognition of this delay, the Inspectorate recommended that more cases, and especially youth cases, should be diverted away from the Public Prosecution Service (PPS) and the courts by use of police informed warnings and cautions. The report also recommended that greater flexibility be applied to decisions on informal warnings and cautions for young people in particular, so that (in the words of the Criminal Justice Review), 'cases are dealt with expeditiously.

As a result of this review, PSNI was required to assume greater delegated responsibility for decisions on youth warnings and cautions, a shift in approach that necessitated additional training for PSNI officers in order to promote consistency in their decision making.

Following the Ministry of Justice report, a working group was created between PSNI and PPS to look at ways of reducing delays and, where appropriate, removing cases from the formal justice process. The 'Speedy Justice' initiative for non-court disposals was one outcome of these deliberations.

Non-court disposals are most commonly recommended for crimes that are comparatively less serious and/or involve offenders who have little or no previous offending history. All **Speedy Justice** disposals fall into this category. In summary non-court disposals can include:

- Streamline No Prosecution File;
- Non-Court Diversion (i.e. Informed warning (Juvenile); Restorative Caution (Juvenile); Youth Conference (Juvenile); Informed Warning (Adult); Caution (Adult); Driver Improvement Scheme (17 years and above));
- Penalty Notice for Disorder (PND);
- Discretionary Disposal.

The overall aims of Speedy Justice are to:

- Enable victims of comparatively low level /low impact crimes to be more involved in determining how the crime should be dealt with whilst maintaining the rights of offenders.
- Offer a method of disposal that is prompt, proportionate to the crime and that will improve victim satisfaction.
- Afford greater access to justice for victims, with justice done and seen to be done, thus supporting the drive to promote confidence in policing and the Criminal Justice System.
- Provide a personal police service, thereby avoiding the lengthy, costly and impersonal bureaucracy attached to the formal justice system.

The EQIA focuses attention on Discretionary Disposals and has been undertaken at a relatively early stage in the implementation of Speedy Justice, and as such has limited data to rely on. However it is believed likely that the EQIA and consultation may provide useful indicators as to potential adverse impacts and measures to mitigate those impacts. The EQIA also takes on board and reports on the results of pre-consultation.

### **CONSIDERATION OF AVAILABLE DATA AND RESEARCH**

Alongside various sources of in-house data relating to Speedy Justice, the EQIA has also been informed by statistics relating to anti-social behaviour as derived from numerous sources, along with feedback provided during pre-consultation with key stakeholders.

As indicated above, as far as the application of Discretion is concerned, data on the majority of s75 grounds are not currently captured by PSNI's information systems. Consequently, in relation to either victims or offenders, at the present time there is little or no empirical data on the following Section 75 grounds:

- Religious belief;
- Political opinion;
- Marital status;
- Ethnicity;
- Disability;
- Dependants; or
- Sexual orientation

## CONSIDERATION OF ADVERSE IMPACT

### Victim

**Gender:** 78% of victims of crimes disposed of through Discretion were female, although females overall are more likely to be the victims of crime and hence this finding is not surprising.

**Age:** 53% of victims attached to Discretion disposals were aged 51+, while only 14% were aged under 18 years.

**Race:** The victim satisfaction surveys carried out on behalf of the Policing Board show levels of satisfaction of 90% in 10 out of 11 (for victims of low level crime or anti-social behaviour). However, we note very small sample (less than 1% of the total number of instances 1,530). Moreover, some other reports into race and policing have indicated negativity and problems at the service delivery level of policies. Examination of these reports provides indication of potential reasons for under reporting by ethnic minority groups.

**Disability** - The only information suggests possible under reporting of concerns in relation to people with learning difficulties.

### Offender:

**Gender:** The available data shows that discretion has been applied more frequently to males than females, by a ratio of almost 3:1. However, without accurate baseline data against which to compare the relative frequency with which both genders either come into contact with PSNI officers generally, or are suspected of committing various offences, then the figures are not able to help identify adverse effect attaching to this disposal procedure *per se*.

**Age:** The available data shows that Discretion has been applied to offenders of different ages as follows:

- Mainly to people below the age of 30; these account for 50% of all instances;
- Those under the age of 18 account for 19% of all the instances of Discretion;
- Those aged 51+ account for 15% of all instances of Discretion.

**Disability:** The only information available on this is at the present time is qualitative and comes from written responses from two of the stakeholders during pre-consultation, in relation to consent and especially when children have a learning difficulty and / or mental health problems, a disability, or if English is not their first language.

**Race:** The only information available on this is a contention that, 'issues [re discretion] are further exacerbated when ... English is not their first language.'

## MEASURES TO MITIGATE / ALTERNATIVE POLICIES

### (Preliminary Recommendations)

PSNI acknowledge that there are significant constraints and challenges inherent in the limited data that are available. As a result, at this point in time the capacity to comment in any meaningful way on possible inequities within the application of Discretion is likely to be heavily constrained. With these issues in mind, the following preliminary recommendations are proposed:

1. PSNI will consult widely on this EQIA, and use this consultation to help identify appropriate monitoring procedures
2. Internal consultations within PSNI will be used to establish monitoring procedures by all appropriate Section 75 grounds, for both victims and offenders.
3. Guidance documents linked to Speedy Justice will continue to be informed and modified by feedback received before and during the EQIA process.
4. These consultations and data will be used to inform the carrying out of a further EQIA during 2014.
5. Future implementation of Speedy Justice will be fully integrated with actions and targets as set out in the PSNI Equality, Diversity and Good Relations Strategy 2012-17.

### FORMAL CONSULTATION

PSNI is committed to consultation which is timely, open and inclusive, and conducted in accordance with the Equality Commission's Guiding Principles. The consultation process in respect of this EQIA will last for a period of **13 weeks** from **November 30<sup>th</sup> 2012** to **March 1<sup>st</sup> 2012**.

All PSNI Equality Scheme consultees will be notified of the availability of this EQIA report and invited to comment. A public notice will be prepared and issued to various media outlets to make the public aware of the EQIA, and information about the EQIA will be placed PSNI's website; comments will be welcomed from any individual with an interest in the proposals.

All consultation documents can be made available in hard copy and alternative formats on request and can be accessed on PSNI's website at: [www.psni.police.uk](http://www.psni.police.uk) (pathway: 'Updates' / 'Consultation Zone')

As much background information as possible has been included within this report. If there is any information which has not been provided, PSNI will make every effort to do so on request. If any consultee has difficulty accessing the background information PSNI will consider providing summaries in other formats or explaining issues on a face to face basis.

All comments and queries regarding this report should be addressed to Chief Inspector Michael Kirby (see above).

## **DECISION BY THE PUBLIC AUTHORITY**

Following the formal consultation period and consideration of the findings from the consultation, PSNI will reach a decision in terms of the EQIA process and will ensure that such decisions are implemented.

## **PUBLICATION OF RESULTS**

The outcomes of this EQIA will be published in the press and will also be posted on PSNI's website. It will be made available in different formats on request where appropriate.

## **MONITORING FOR ADVERSE IMPACT**

At the end of the consultation period, the EQIA report will be revised to take into account all comments received from consultees. PSNI's decisions will be incorporated into a final summary report which will set out the consideration given to the impact of alternative policies and mitigating actions. This will complete Step 7 of the EQIA process.

The final summary report will be made available on PSNI's website. In addition, Equality Scheme consultees and those who responded to the consultation will be notified of the availability of the report.

A system will be established to monitor the impact of any decisions in order to find out the effect on the relevant equality groups. Full details of the monitoring system will be included in the final summary report.

The results of ongoing monitoring will be reviewed on an annual basis and included in the annual review on progress to the Equality Commission. This review will be published on our website.

If the monitoring and analysis of results over a two year period show that there has been a greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, PSNI will take steps to achieve better outcomes for the relevant equality groups.