

## **Dublin Rape Crisis Centre (DRCC) Submission on the Development of a Long Term Strategy for Court Services**

### **Introduction**

The Dublin Rape Crisis Centre (DRCC) is a non-governmental organisation which aims to prevent the harm and heal the trauma of rape and sexual abuse in Ireland. We are the largest of the 16 Rape Crisis Centres in the country. Training programmes, policy interventions and public awareness campaigns to prevent sexual violence have always been at the core of our work. Our services include a national 24-hour helpline which takes over 1000 calls a month and one-to-one counselling which we provide to over 500 people a year. We accompany 250 victims a year to the Sexual Assault Treatment Unit (SATU) in the Rotunda Hospital, in the region of 25 victims a year to Garda Stations and in 2018 we spent 144 hours providing accompaniment support to those engaging in the court process. This submission follows on from issues raised in our 2017 contribution to your strategic plan and is informed by the experiences of those women and men accessing our services who are victims of sexual violence and who have had interactions with Court Services.

### **Impact of Technology on Service Delivery**

There is huge potential for technology to play its roles in maximising efficiency and providing improved services to court users which can ultimately improve access to justice.

#### **➤ Case Management and Trial**

Victims who come forward to report their sexual crime should be provided with an efficient and streamlined process that minimises the stresses involved wherever possible. The current trial system in Ireland results in long delays for victims and other witnesses between the complaint being made and giving evidence. Case management initiatives can lessen to some extent the stress associated with the trial so that the trial process does not become a secondary psychological trauma for victims. It is vital that Court Services continue their collaborative work with the criminal justice agencies, to progress efforts aimed at reducing the time required for the processing and hearing of these court cases.

Facilitating the increased use of video conferencing for court appearances by other witness including expert witnesses, witnesses from abroad can reduce the need for people to attend court and can thus streamline the court process. This is already being used in criminal proceedings to allow those in custody attend bail hearing via video link from the facility they are in which can mitigate logistical costs. Virtualized proceedings have the potential to overcome distance, logistics, and associated scheduling delays and costs.

Courts need to be able to make the best use of technology and to provide court rooms with computer capacity for the judge, jury and other relevant parties. Future jurors will be a generation accustomed to the latest and greatest technology society has to offer. The technology used in the presentation of the evidence at trial should include the use of interactive screens that present several documents to the jury at once or even personal screens for each juror in the jury box. The challenge is to marry the best of IT-enabled services within the institutions of justice to maintain and improves timeliness and ease of access.

The use of online services or email rather than postal services can speed up communications. Given that society has a willingness to engage with public services online, there is opportunity to engage legal practitioners and members of the public alike in the use and benefits technologies can offer in both the courtroom and its environs.

### **Recommendation**

Advances in technology can not only improve the functioning of the courts but digitising the legal world can improve access to court services.

#### **➤ Video Link /Conferencing Facilities**

Our criminal justice system depends largely on giving oral evidence. To give evidence in court is a difficult task for most but particularly for those who are vulnerable witnesses of sexual crimes. If measures are available to improve the quality of such evidence, this can only lead to more effective and just outcomes, without the witnesses of sexual crimes in particular being traumatised unnecessarily by their engagement with the criminal justice system. In 2017, both the Criminal Law (Sexual Offences) Act 2017 and the Criminal Justice (Victims of Crime) Act 2017 were enacted, followed in 2018 by the enactment of the Domestic Violence Act 2018. All of these statutes have expanded the range of special measures available to facilitate the testimony of victims of crime. This in turn means that the number of victims who can give evidence by video link will also expand. That option to avail of giving evidence to the court from a witness room via a video link or video conferencing technologies is of particular benefit for vulnerable witnesses of sexual and domestic crimes.

And while the concept of virtual hearings becomes more appealing, that transformation can also create its own challenges, including the risk of marginalising those who lack the ability to cope with a digital system. In embracing technology, court services need to commit to ensuring that staff not only have access to the technology, receive adequate instruction and training but that they can facilitate the witness to give their best evidence with the minimum risk of unnecessary confusion or distress.

## **Recommendation**

We would advocate that court room technology is progressed to facilitate victims of sexual crimes in giving their best evidence, consistent with the overall aim of providing a fair trial.

## **Impact of Technology on Statistics**

We need to be able to use technology to improve data collection capabilities. The importance of adequate data cannot be overstated. In the area of sexual violence where that crime is quite hidden, where under-reporting is common and contributes to deficits in the data available on the prevalence of sexual crimes, it is essential that Court Services produce extensive and relevant sexual offence statistics.

A Sentencing Database, as commenced by the project known as the Irish Sentencing Information System (ISIS) some years ago, should be reinstated and maintained for reference by judges, practitioners, accused, victims and the public.

## **Recommendation**

A data management system that accurately and completely captures all relevant sexual violence data within the ambit of Court Services is essential.

## **Impact of Technology on Data Sharing**

Establishing a common definition of the key variables in order to enhance comparability across the different data areas is needed. We are aware that the Department of Justice and Equality is progressing the development of a Criminal Justice Operational Hub (CJOH), which will enable the efficient and secure exchange of appropriate data and information within the criminal justice system. Working with other stakeholders in the justice sector, Court Services together with, An Garda Síochána, Túsla, Health Service Executive (HSE) urgently need to agree on definitions and methods of data collection in line with best international standards, synchronise data collected and share the data and subsequent analysis.

## **Recommendation**

To expedite electronic data sharing and interoperability across agencies, the CJOH needs to be fully resourced and operational to enable end to end management of people and their cases through the criminal justice system.

## **Conclusion**

A victim's experience of the criminal justice system begins with those they have first contact with and often ends with those in Court Services. That concluding encounter should be one of professionalism, commitment and care for the quality of the experience the victim has with Court Services which can increase the confidence of victims of sexual violence in the justice system. The courtroom and legal practitioners will continue to play the lead roles in our criminal justice system because complainants and defendants need understanding, responsiveness and advice that technology cannot provide. Embracing technology however, can be viewed as an opportunity for imaginative and constructive ways of furthering the goal of administering justice promptly. The challenge is to build a 21st century court system. A system which upholds the defining principles of the rule of law, of free and fair justice, but does so within the social context of our time.

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8 February 2019