

Independent review of the criminal justice system in relation to the response and management of domestic abuse, rape and other sexual assault cases

Terms of Reference:

Agreed by:

- Bailiff
- Attorney General
- Chief of States of Jersey Police
- Jersey Police Authority
- Service Manager of Jersey Domestic and Sexual Abuse Support
- Service Manager of Dewberry House SARC and Victims First
- Jersey Probation and Aftercare Service

1. Purpose

- 1.1 The purpose of this review is to work with stakeholders across the criminal justice system to determine how current arrangements in relation to domestic abuse, rape and sexual assault can be improved to deliver better outcomes for victims, defendants, and justice.
- 1.2 The review will be aligned and coordinated with the HMICFRS inspection of the States of Jersey Police into rape and serious sexual offences as far as possible. Taken together, the review and the inspection will represent an end-to-end review of the management of serious domestic abuse, rape and sexual offence cases within the criminal justice system in Jersey.
- 1.3 The review represents an extension of the activities and commitments already underway via the Joint RASSO Action Plan between the States of Jersey Police and the Law Officers' Department, which aims to improve components of how RASSO cases are responded to and evaluated by criminal justice professionals.
- 1.4 The reviewer will work with stakeholders to co-develop solutions that will improve the experience of victims without compromising the rights of suspects and potential defendants. These solutions will then be trialled throughout the review period so that their efficacy can be assessed. A final report will then detail the various improvements to practice that have been implemented under the review and highlight pre-existing good practice.

2. Framework

- 2.1 The review will be conducted in a 3-6 month period, commencing in Q1 2025. The review will take place at the same time as the HMICFRS inspection of the States of Jersey Police.
- 2.2 The reviewer will have full access to all appropriate documents, correspondence, oral and written evidence or other materials the reviewer deems necessary. It is acknowledged that this will require separate disclosure and data sharing agreements to be developed between different entities and the independent reviewer. Government of Jersey officers will support this process where required so that is completed by the start of the review period.
- 2.3 The reviewer and the HMICFRS inspection team will commit to sharing their findings and recommendations in order to ensure that the output of both reviews is coordinated and aligned.

2.4 Each of the entities within the scope of the review will identify an individual who will act as a main point of contact for the reviewer.

2.5 The budget for the review is £100,000, to be funded from Government expenditure. The research team will be made aware of this budget and requested to tailor the review methodology accordingly, as was the process followed in the procurement of the research lead for the CPS branch of Operation Soteria.

3. Scope

3.1 The review will investigate the procedure covering the response to and prosecution of domestic abuse, rape and serious sexual offences in Jersey. The “victim’s journey” from the point of initial complaint through to the point of Court disposal will be considered.

3.2 The reviewer will take appropriate account of the views of individual victims and victims’ organisations, legal practitioners, the Judiciary and the criminal justice organisations involved in the conduct of such cases.

3.3 The following entities will be covered within the scope of the review:

- Royal Court
- Magistrate’s Court
- Criminal Division of the Law Officers’ Department
- Jersey Domestic and Sexual Abuse Support
- Dewberry House SARC
- Victims First
- Jersey Probation and Aftercare Service

3.4 The scope of the review will be aligned with the six workstreams progressed under Operation Soteria, these are:

Workstream	Aim
Early Investigative Working	To build even stronger investigations and prosecutions with shared understanding and expectations of respective roles.
“No Further Action” Scrutiny	To improve transparency and accountability of decisions taken, and creating greater opportunity to identify and share learning to facilitate continuous improvement.
Action Plan Monitoring	To improve the timeliness with which complaints are investigated and progressed, including by ensuring proportionate enquiries and effective mechanisms for task management and escalation where cases stagnate.
Case Progression and Trial Readiness	To improve the timeliness and effective handling of cases to ensure fewer adjustments at pre-trial stage, as well as improving overall trial strategy and preparedness.
Supporting Victims	To improve communication with complainants throughout the process and develop more effective partnerships across the system, which it is also anticipated will reduce the risk of victim withdrawal and support the giving of best evidence, and to examine the use of special measures.

Training and support	To ensure that all stakeholders commit to appropriate training and wellbeing support.
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4. Methodology

4.1 Pre-fieldwork activities

- 4.1.1 The reviewer will hold a series of scoping interviews with senior colleagues across the criminal justice system to inform their design of the finalised review methodology.
- 4.1.2 JDAS and Dewberry House SARC will establish a panel of victim-survivors with recent experience (2022-2023) of the criminal justice system in Jersey. The reviewer will meet with the panel before the research period commences to ensure that the focus of the review reflects the perspective of domestic abuse, rape and serious sexual offence victims.
- 4.1.3 The reviewer will ensure that all stakeholders are regularly updated on the progress of the review.

4.2 Fieldwork activities

4.2.1 Analysis of case files and other internal documents

- 4.2.1.1 The reviewer will undertake case file assessments to examine domestic abuse, rape and serious sexual offence cases as defined by the Domestic Abuse (Jersey) Law 2022 and the Sexual Offences (Jersey) Law 2018. Cases of grave and criminal assault and common assault are within scope where there is a domestic relationship. In order to ensure the number of case files is manageable, cases of domestic abuse will be limited to those referred to the Royal Court. The case files reviewed should have been finalised between June 2022 and December 2024. The files should include:
- cases where it was decided to take no further action or cases marked as ‘admin finalised’,
 - cases resulting in a conviction,
 - cases resulting in jury acquittal,
 - cases where no evidence was offered and cases where the complaint was withdrawn,
 - cases involving a witness with vulnerabilities (including mental and physical impairments, mental health issues, & communication difficulties), and
 - cases involving third party material.

- 4.2.1.2 The reviewer will analyse the Joint RASSO Action Plan between the States of Jersey Police and the Law Officers’ Department.

4.2.2 Interviews and focus groups

- 4.2.2.1 The reviewer will undertake interviews and focus groups with the following criminal justice stakeholders:
- The Criminal Division of the Law Officers’ Department: including lawyers of varying seniority and experience of domestic abuse and RASSO cases, legal advisers, and case progression managers.
 - States of Jersey Police: including officers of varying rank and experience.

- Support service: including frontline IDVAs, ISVAs and service managers from JDAS and Dewberry House.
- Crown Advocates in private practice
- Defence Advocates
- Royal and Magistrate's Court: including Court staff and members of the Judiciary.

4.2.3 Observation

4.2.3.1 The reviewer will undertake observation of the following criminal justice processes:

- Early Investigative Advice meetings in relation to domestic abuse and RASSO cases.
- 'No Further Action' panels in relation to domestic abuse and RASSO cases.
- Court observation of domestic abuse trials.
- Court observation of RASSO trials.
- Observation of domestic abuse and RASSO training for all entities, where possible.