

BOOK REVIEW

Shane Kilcommins, Susan Leahy, Kathleen Moore-Walsh & Eimear Spain, *The Victim in the Irish Criminal Process* (Manchester University Press 2018), ISBN 978 1 5261 0638 1, 171p.

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When she introduced what became the Criminal Justice (Victims of Crime) Act 2017 into the Oireachtas, Frances Fitzgerald, the Minister for Justice and Equality, suggested that the victim should be at the heart of the criminal process in Ireland. This has become a common rhetorical refrain, the precise meaning of which is rarely explained. On a literal level, the rhetoric is plainly untrue: the heart of the criminal process is the investigation and prosecution of criminal acts, in which the victim formally remains merely a witness. But it is true that, from the 1980s, victims' needs and concerns have received greater attention from lawmakers and executive agencies. The purpose of this new book is to provide an accessible overview of the victim's current standing in the criminal process, and to show how this standing has changed over time.

The first chapter is historical, and shows how the position of crime victims was gradually altered during the later eighteenth and into the nineteenth centuries. For centuries, criminal justice was largely a private matter, being dependent on the initiative of private parties, especially the victim. As the State began to professionalise the criminal justice system, through the advent of modern policing and public prosecution, the victim found herself being pushed from the centre of the process to its margins. This chapter covers a lot of ground in some twenty pages, but still conveys the context in which these changes took place and the mechanisms by which it was accomplished. Usefully, it also notes some of the differences that existed between the jurisdictions that formed the United Kingdom; Public prosecution, for example, became the norm in Scotland and Ireland long before the same occurred in England.

Chapter 2 shows how the criminal process slowly rediscovered the victim. The chapter demonstrates the importance of the confluence of four developments: the advent of victimology, the victims' movement, the growing reach and influence of human rights instruments and case law, and the politicisation of law and order. Each of these developments is traced in some detail, with references for those interested in following up. This chapter leads nicely into the third chapter which focuses on the measures that the criminal justice system has implemented to improve the lot of victims: use of video-link testimony, intermediaries, pre-trial statements. Other measures allow the victim some degree of inclusion into the process, such as the use of victim impact statements. This chapter takes the reader on a tour of these measures, and includes a detailed consideration of the EU Victims' Directive, the Criminal Justice (Victims of Crime) Act and the Criminal Law (Sexual Offences) Act, the latter two enacted in 2017. These three measures will underpin the treatment of victims in Irish law for many years into the future. In Chapter 5, when considering ongoing challenges for the criminal justice system, the authors correctly point out that the focus of the Irish legislation is on victims who have engaged with the criminal justice system, especially the Gardaí [p.113]; the position of victims who have not done so, or who have engaged with agencies other than the Gardaí is unclear.

Chapter 4 is a companion to Chapter 3, and discusses the provision of services for victims. The authors note that these services have generally been uncontroversial, not least because they '[do] not interfere with criminal procedure or potentially affect defendants' due process rights' [p.85]. The chapter discusses various issues, including the victims' right to information, the treatment of victims by the Gardaí, and the supports available to victims during the trial process.

The last chapter focuses on some of the ongoing challenges facing both victims and the criminal justice system. The authors point out that proper resources are essential if 'victims of crime and their families [are to] have access to justice, adequate information and services in practice, not just in theory' [p.114]. They rightly express some skepticism regarding official claims that the implementation of the Victims' Directive could be done without a considerable increase in resources [p.115]. They reiterate the oft-stated need for ongoing research into the operation of the criminal justice system, and of the experiences of victims. They also spend some time reviewing the need for proper training for members of executive agencies likely to come into contact with victims. It is a measure of how fast this area of the law is developing that a range of victim-centred measures have been implemented even since this book was published less than a year ago – the creation of divisional Garda Protective Services Units is a good example, as is the Domestic Violence Act 2018 that includes the new offence of coercive control.

The authors note in their Introduction [p.6] that the book does not go into the experiences of victims who interact with the criminal justice system. The authors' intention is to provide an accessible and highly readable account of the development of victims' rights in Ireland, and of the measures currently in place to assist victims. In this objective they have succeeded. Each of the chapters could easily have been expanded with more detail and discussion, but the resulting book would have been very much longer. This book is an excellent starting point for anyone interested in the field of victims' rights in Ireland.