

25/05/2018

Commission on Justice in Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Email: JusticeCommission@gov.wales

To whom it may Concern,

Re; Call For Evidence to review the operation of the justice system in Wales.

The basis of my evidence below complies with several of the noted principles set down by the Commission. Notably;

i. The centrality of justice to good governance, prosperity and fairness in society in Wales.

ii. The underpinning of the rule of law and the independence of the judiciary.

iii. The establishment of a robust and sustainable justice system in Wales, one which is characterised by clarity, coherence and, where appropriate, local accountability.

iv. The delivery of speedy and effective justice in Wales in all types of cases and at proportionate cost. .

Additionally it is necessary to consider the evidence across several areas previously recommended and submitted following meeting between the Justice Commission Secretariat and Mr and Mrs Marshall on 6 March 2018 at 12:50pm at Crown Buildings, Cathays Park, Cardiff. Present, Andrew Felton, Secretary to the Commission, Rhys Thomas, Policy Lead, Secretariat team, Mr & Mrs Marshall.

Case Background;

1. The unprovoked stranger murder of our 18-year old son, Conner Marshall on 8th March 2015. The brutality of this heinous act left Conner with injuries so catastrophic; he died 4 days after the attack by a total stranger. Injuries included Brain damage, ruptured spleen, detached eye socket, hyperthermia, bruising, collapsed lung, and severe facial injuries
<http://www.bbc.co.uk/news/uk-wales-south-east-wales-31843208>
<http://www.itv.com/news/wales/story/2015-06-03/man-gets-life-for-murder-of-teenager-at-caravan-park/>

2. Following a BBC Panorama investigation, that was aired (Wednesday 25th October), which exposed supervision failures by Wales CRCs/ Working Links which led to;
3. <https://www.bbc.co.uk/iplayer/episode/b09cbc8n/panorama-out-of-jail-free-to-offend-again>
4. Despite a guilty plea and a sentence of 20 years handed down, we have very little background factual information in relation to previous supervision of David Braddon pre the fatal attack. (i,ii,iii,vi)
5. Information was/is repeatedly withheld by MOJ to us, Conner's parents. Five months after the murder we were told by generic letter that the offender had convictions for assault, domestic violence and possession of drugs.
6. <https://www.walesonline.co.uk/news/wales-news/parents-murdered-teenager-conner-marshall-11979739>
7. Several months of requesting further details and information and subsequent refusals ensued. (i,ii,iii,vi)
8. A further 2 FOI requests were declined under article 40, yet upon attending a meeting with NPS staff the Serious Further Offence Report was handed to us. Several meetings and correspondence have been made, yet we remain without full disclosure of facts. (i,ii,iii,vi)
9. Contents of the SFO, are deeply concerning and alarming. References to poor staffing supervision, lack of managerial oversight, no risk assessments made, failure to challenge offender for non compliance, particularly as noted at least 8 appointments with his supervisors. (i,ii,iii,vi)
10. Yet unbelievably only 2 appointments were listed as unauthorised- yet no evidence of such? No further action or referral to prison or breach proceedings to court for failing to attend these meetings(i,ii,iii,vi)
11. Currently we are awaiting confirmation for resumption of a Second Inquest. Application was made to Wales Chief Coroner in March 2017. Under Schedule 1 Part 1, Section 8 (1) Coroner & Justice Act 2009. As a family we have extremely limited information about the circumstances surrounding Conner's death. (i,ii,iii,vi)

Given the above information and details unfortunately we feel that current judicial procedures in Wales and nationally do not adequately represent or recognise victims of serious crime in particular. Little or no access to advice, support or information is currently available. Third sector agencies such as Victim Support do offer short term support but given the nature and complexity of all serious crime it is far from ideal or effective.

Trauma bereavement and complicated grief are specific areas which must be delivered in a timely, sensitive and long term approach. Currently families in Wales are not able to access support services of which are very few or non-existent. Often having to privately fund counselling support in addition to approach charities outside of Wales. No provision is currently available in Wales for teens, sibling or parental support.

The impact and problems faced by those affected by murder are often complex and reach every social, economic and geographical area. Areas of both physical and mental health are affected. Employment is often compromised. Financial responsibilities become overwhelming.

Murder affects whole families for ever not for the short term. Families will be thrown into long term detrimental financial debt. No financial support is given to victims families. No opportunities to improve their health and physical selves. No leave of absence from daily responsibilities. The impact of serious crime does not discriminate or differentiate.

Having suffered the harrowing loss of a child to murder, losing a career, pension and health. Through no choice what so ever, far too many innocent individuals are struggling with ill health, with PTSD and debilitating grief. Families are broken, hurt and damaged.

As it stands the justice system in Wales does not consider or represent the welfare of victims adequately. The system does not go far enough to ensure that the impact of crime is fully recognised. Little or no effective intervention and support is available. In comparison to offender led support, victims are dismissed and underrepresented and are not reflected within the law in Wales. The need for development of victim services must not be lost or minimised.

The role and jurisdiction and credibility of Private Probation, NOMS, & Police Crime Commissioner are essential to future sustainability and to increase community safety. Without specific measures and legislation current procedures of offender management within all communities in Wales are compromised and ineffective. Cohesive working across all sectors will improve outcomes for all victims of crime. Accountability and transparency must be at the fore front of any future justice system.

Additionally the role of the Victims Commissioner for Wales alone should be considered. Currently this position is held by Baroness Newlove as Victims Commissioner for England & Wales yet the demographics, economy, geography and crime types within Wales are not differentiated within her role.

Greater understanding of victims' needs and resources available within Welsh communities is vital. To successfully deliver justice is vital and deserved by Welsh communities.

The role of an independent Wales only Commissioner or advocate similar to that of the London's Victim's Commissioner would give the communities and agencies of Wales a reputable and professional point of reference ***who can ensure the voices of victims are heard and can influence the development of victims' services across policing, crime and the criminal justice system.***

<https://www.london.gov.uk/press-releases/mayoral/key-manifesto-commitment>

To close I would respectfully ask for all the above points to be considered.

Yours sincerely

Nadine Marshall